

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----x

5 TRIARCH ARCHITECTURAL SERVICES, P.C.,

6 Plaintiff,

7

8 -against- 11-CV-2708 (AKH)

9

10 MEDALLION INC., VLADIMIR VORONCHENKO

11 and GARTH HAYDEN ARCHITECT,

12 Defendants.

13 -----x

14 May 14, 2012

15 10:25 a.m.

16

17 Deposition of STEPHEN CORELLI, taken
18 by the Defendants, pursuant to Notice, at
19 the offices of Gogick Byrne & O'Neill LLP,
20 11 Broadway, New York, New York, before
21 David Levy, CSR, RPR, a Notary Public of the
22 State of New York.

23

24

25

1 APPEARANCES:

2 MANDEL BHANDARI LLP

3 Attorneys for Plaintiff

4 11 Broadway, Suite 615

5 New York, New York 10004

6 BY: EVAN MANDEL, ESQ.

7 SAM P. ISRAEL, P.C.

8 Attorney for Defendants Medallion, Inc., and

9 Vladimir Voronchenko

10 1 Liberty Plaza, 23rd Floor

11 New York, New York 10006

12 BY: SAM P. ISRAEL, ESQ.

1 STEPHEN CORELLI, having been duly
2 sworn by the Notary Public, was examined and
3 testified as follows:

4 EXAMINATION BY

5 MR. McKEE:

6 Q. Mr. Corelli, my name is Wesley McKee.

7 I'm an attorney here at Gogick Byrne & O'Neill and
8 I represent Garth Hayden in this litigation which
9 was brought by Triarch against Medallion, Inc.,
10 Victor Voronchenko, and Garth Hayden architect.

11 Have you ever had your deposition
12 taken before?

13 A. No.

14 Q. A deposition is where I ask you
15 questions and you, to the best of your ability,
16 provide answers to those questions; do you
17 understand that?

18 A. Yes.

19 Q. Do you understand you've been placed
20 under oath?

21 A. I do.

22 Q. And do you further understand that
23 everything that you say, all of my questions and
24 your responses or being recorded by a
25

1 APPEARANCES (Cont'd):

2 GOGICK BYRNE & O'NEILL LLP

3 Attorneys for Defendant Garth Hayden

4 Architect

5 11 Broadway, Suite 1560

6 New York, New York 10004

7 BY: ALBERT WESLEY McKEE, III, ESQ.

1 Corelli

2 stenographer --

3 A. Yes.

4 Q. -- seated to my right and your left.

5 You understand that your testimony here today has
6 is same effect as if we were in court before a
7 judge and jury?

8 A. I do.

9 Q. Okay. If during the course of my
10 questioning of you today, if you don't understand
11 a particular question, please just let me know and
12 I'll try to rephrase it for you; okay?

13 A. Okay.

14 Q. If your attorney or Mr. Israel, who
15 represents the other defendants here, raises an
16 objection, please allow the attorneys to discuss
17 the objection before proceeding; okay?

18 A. Okay.

19 Q. Wonderful. In preparation for today's
20 deposition, did you review any documents?

21 A. Yes.

22 Q. What did you review?

23 A. I briefly reviewed the material that
24 you have in front of you, those color drawings and
25 the termination letter and three invoices that I

1 Corelli
 2 was asked to bring this morning from my office.
 3 Q. Did you review anything else?
 4 A. No.
 5 Q. Just prior to us coming into the room,
 6 were these the materials that you were reviewing?
 7 A. I'm sorry, what you have in your hand?
 8 Q. Yes.
 9 A. Yes.
 10 Q. Did you review anything else just
 11 prior to me coming into the room?
 12 A. I did not.
 13 Q. Okay, thank you. By whom are you
 14 employed?
 15 A. Triarch.
 16 Q. And what is Triarch?
 17 A. What is Triarch?
 18 Q. Yes, sir.
 19 A. It's a corporation.
 20 Q. And what is the business of Triarch?
 21 A. It is a design firm.
 22 Q. Now, on the -- we'll mark these later,
 23 but on some of the documents which you provided to
 24 me, there's a letter that says "Triarch
 25 Architectural Services, P.C.," correct?

1 Corelli
 2 A. Yes.
 3 Q. Is that the name under which Triarch
 4 operates for all of its business interests?
 5 A. No.
 6 Q. Is there also something called
 7 Triarch, Inc.?
 8 A. Yes.
 9 Q. What's Triarch, Inc.?
 10 A. It's a corporation.
 11 Q. Okay. What's the business of Triarch,
 12 Inc. as opposed to Triarch Architectural Services
 13 P.C.?
 14 A. Triarch, Inc., does not engage in --
 15 Triarch, Inc., is a design firm as distinct from
 16 Triarch Architectural Services, which provides
 17 architectural services in connection with my
 18 licensure as an architect.
 19 Q. So the architectural design services
 20 are provided through Triarch Architectural
 21 Services, P.C.?
 22 A. To the extent that we are the
 23 architect of record. If there's a design project
 24 in which we're providing interior design services,
 25 often it will just be provided through Triarch,

1 Corelli
 2 Inc.
 3 Q. I see. You are a Registered Architect
 4 in the State of New York?
 5 A. I am.
 6 Q. Any other states?
 7 A. No.
 8 Q. Are interior designers required to be
 9 licensed or registered?
 10 A. I don't know.
 11 Q. Are you either licensed or registered
 12 as an interior designer in the State of New York?
 13 A. I am not.
 14 Q. Is anybody on your staff?
 15 A. Not that I'm aware of.
 16 Q. Are there any other Registered
 17 Architects on staff with Triarch Architectural
 18 Services P.C.?
 19 A. No.
 20 Q. Do you have other graduate architects
 21 on staff at Triarch Architectural Services, P.C.?
 22 A. No.
 23 Q. How about on staff with Triarch, Inc.,
 24 are there any graduate architects on staff with
 25 them?

1 Corelli
 2 A. Yes.
 3 Q. Who?
 4 A. Cristina Toma.
 5 Q. Any others?
 6 A. No.
 7 Q. Now, who are the partners in Triarch
 8 Architectural Services, P.C.?
 9 A. I am.
 10 Q. Do you have any other partners?
 11 A. No.
 12 Q. Do you have any, are there partners in
 13 Triarch, Inc. -- I'll rephrase it. Who are the
 14 owners of Triarch, Inc.?
 15 A. I am the owner of Triarch, Inc.
 16 Q. There's an individual -- I can't
 17 pronounce her first name.
 18 A. Michaela.
 19 Q. Michaela Deiss?
 20 A. Deiss.
 21 Q. Whom we met last week. Are you in
 22 business with her in any other entity? Is she a
 23 partner of yours in some other entity?
 24 A. In Triarch.
 25 Q. In Triarch. All right. So there's a

1 Corelli
 2 separate entity called Triarch as opposed to
 3 Triarch, Inc., as opposed to Triarch Architectural
 4 Services, P.C.?
 5 A. That's correct.
 6 Q. What is Triarch?
 7 A. It's a corporation.
 8 Q. What is the business of Triarch?
 9 A. Interior design.
 10 Q. That's also a business that's
 11 performed by Triarch, Inc., is interior design?
 12 A. Yeah.
 13 Q. Do any of those three entities engage
 14 in construction or construction management?
 15 MR. MANDEL: Objection.
 16 You may answer.
 17 A. I don't understand the question
 18 because you refer to three entities. I don't know
 19 what the three entities are.
 20 Q. Well, it seems that you've referred to
 21 three different entities; one being Triarch
 22 Architectural Services, P.C., one called Triarch,
 23 and one called Triarch, Inc.
 24 MR. MANDEL: Objection.
 25 You may answer.

1 Corelli
 2 A. When we say "Triarch," it's kind of a
 3 generic -- label for the office. Triarch, Inc. is
 4 a corporation that provides interior design
 5 services in situations in which we're not -- I'm
 6 not the architect of record or I'm not a licensed
 7 architect.
 8 Triarch, Inc., also does all the
 9 office management, the, you know, pays the bills
 10 and things like that.
 11 Triarch Architectural Services, P.C.,
 12 is an entity that would be used when I'm the
 13 architect of record and we're providing
 14 architectural services in conjunction with me as a
 15 licensed architect. That's the difference. And
 16 when we say "Triarch," we're just talking about
 17 the office. It's kind of a shorthand for the
 18 office, that's all. I'm sorry if that was
 19 confusing.
 20 Q. Okay. Outside of the Triarch
 21 Architectural Services, P.C., and Triarch, Inc.,
 22 are there any other entities that operate under
 23 the umbrella of Triarch?
 24 A. No.
 25 Q. And I'll show this to you briefly, the

1 Corelli
 2 exhibit that was previously marked as Defendants'
 3 30. At the base of this first sheet, it says,
 4 "Architecture, Construction, Real Estate."
 5 Do you see where I'm referring to?
 6 A. Oh, yes.
 7 Q. The very base. Now, under the
 8 umbrella or broad term of Triarch, does Triarch
 9 provide construction? Does it do construction?
 10 A. Triarch, Inc.? Yes. Triarch, Inc.,
 11 periodically, as part of its interior design
 12 services, will provide construction management
 13 services to a project, but not all the time. It
 14 just depends on the particular situation.
 15 Q. And does it ever act as a general
 16 contractor?
 17 A. I don't think so.
 18 Q. The same document, Defendants'
 19 Exhibit 30, references real estate, do you see
 20 that reference?
 21 A. I do.
 22 Q. What is that? What is that a
 23 reference to?
 24 A. There are unrelated, legally and
 25 practically unrelated to Triarch, there are some

1 Corelli
 2 real estate development affiliates that I manage
 3 out of the office. But they are not -- you know,
 4 they have different legal and financial
 5 structures. They are not related to what we do
 6 professionally, but they are housed in the same
 7 office.
 8 Q. I see. Is Ms. Deiss involved in
 9 either the construction management aspect of
 10 Triarch, Inc., or the other real estate
 11 enterprises that you just referenced?
 12 A. She's involved in the construction
 13 management activity that Triarch carries out. But
 14 she's not involved in the real estate entities.
 15 MR. McKEE: We'll mark these as a
 16 group. This will be 35.
 17 EXH (Defendant Exhibit 35, three Triarch
 18 invoices, marked for identification, as of
 19 this date.)
 20 Q. All right, sir, I'm going to hand you
 21 what we've marked for today's date as Defendants'
 22 Exhibit 35, and ask if you can tell me what those
 23 are.
 24 (Handing documents to the witness.)
 25 A. These are three invoices that were

1 Corelli
 2 prepared in connection with the Voronchenko
 3 project.
 4 Q. Can you give us the benefit of your
 5 educational background, please.
 6 A. I attended the School of Architecture
 7 at the University of Toronto from 1976 to 1978. I
 8 then studied architecture at the Architectural
 9 Association in London, England, from 1978 to 1979.
 10 And then I attended graduate -- the graduate
 11 program at Princeton University in architecture,
 12 graduating in 1982.
 13 I then started working in New York. I
 14 worked for a number of different architectural
 15 firms, and then obtained my professional licensure
 16 in 1987.
 17 Q. Once you obtained your licensure, did
 18 you begin your own business?
 19 A. Yes. Well, I got my license in
 20 October of 1987, but I didn't open the office
 21 until January 1st of the next year. So there was
 22 about a six-week lapse.
 23 Q. So that would have been '88, if I
 24 heard you correctly?
 25 A. Yeah, I think so.

1 Corelli
 2 Q. And when you first opened your office,
 3 what name did you operate under?
 4 A. Corelli Deiss.
 5 Q. So upon opening, you were a partner
 6 right from the start with Ms. Deiss?
 7 A. Yeah. We've always worked together.
 8 Q. I see. Did you meet her at your prior
 9 place of employment, prior to opening your own
 10 office?
 11 A. Yes. I was actually renting a desk in
 12 a sort of a common group practice.
 13 Q. Yes. Has your license or registration
 14 ever been revoked in any jurisdiction?
 15 A. No, it's never been revoked.
 16 Q. Okay. Have you ever been brought in
 17 for any form of disciplinary hearing or
 18 investigation by any state licensing agency?
 19 A. No.
 20 Q. How did you first become aware of or
 21 otherwise meet either Mr. Voronchenko or
 22 Mr. Braverman?
 23 A. I was introduced to Mr. Voronchenko in
 24 the -- in Southampton. My wife at the time, her
 25 family had a house about, I don't know, maybe two

1 Corelli
 2 hundred yards from Mr. Voronchenko's house in
 3 Southampton. And he was friendly with my -- my
 4 ex-wife was Russian, and her parents were friendly
 5 with Vladimir, I think going back some years.
 6 And my father-in-law introduced us.
 7 Q. Can you estimate about what year that
 8 would have been?
 9 A. That would have been in the summer of
 10 2 -- when did we start working on this project, in
 11 2008? So in September of 2008 -- I'm sorry, my
 12 dates, I'm not nearly as good at this stuff as
 13 Michaela, but it would have been in the summer of
 14 2007, I would say in July or August.
 15 We met socially and he told me that he
 16 had a project that he wanted to discuss with me.
 17 Q. Mr. Voronchenko did?
 18 A. Yes.
 19 Q. When did he tell you that he had a
 20 project he wanted to discuss with you, would that
 21 have been right away in that summer of 2007?
 22 A. Yeah, it was probably -- I'm going to
 23 say -- maybe the second or third occasion that I
 24 had spoken to him, I walked over from the house
 25 that I was staying at with my wife's family and we

1 Corelli
 2 sat in the living room and he explained to me what
 3 he -- what he wanted to do.
 4 Q. What was the name of your
 5 father-in-law?
 6 A. Michael Kofman.
 7 Q. K-o-f-m-a-n?
 8 A. One F.
 9 Q. K-o-f-m-a-n. And what did
 10 Mr. Voronchenko tell you about his potential
 11 project during that first meeting?
 12 A. Basically, that he had this apartment
 13 that he wanted to renovate.
 14 Q. Okay. Did he say, beyond that he
 15 wanted to renovate it, did he give you any idea
 16 what his vision or desire was for the project?
 17 A. He wanted to create a first-class
 18 renovation. He had bought a very expensive
 19 apartment in Manhattan and I think he'd also
 20 recently bought a very expensive house in
 21 Southampton, and he wanted to do a, you know, a
 22 first-class renovation and outfitting of this new
 23 apartment.
 24 Q. Did he give you a budget of what he
 25 anticipated this project would cost exclusive of

1 Corelli
 2 design fees?
 3 A. No. He wasn't -- that date that I
 4 came over to meet him, he was taking delivery of a
 5 new Ferrari, and he was very expansive. He's a
 6 very charming individual. He was very expansive
 7 about wanting the best and he didn't -- he didn't
 8 talk about specific budget.
 9 Q. Did he give you any description during
 10 that first meeting about the feel that he wanted
 11 to obtain for his project?
 12 A. He wasn't able to articulate a
 13 specific stylistic expression. He did want
 14 something that would be an appropriate setting for
 15 what he described as a very extensive collection
 16 of art and objects.
 17 He gave me to understand that he
 18 traveled in very rarified circles, and it was
 19 important to him to be able to leave an
 20 impression, I guess, with his fellow, sort of
 21 businessmen and people that I suppose he was going
 22 to meet in New York, that he had a -- that he was
 23 a man of great taste. I mean, basically that.
 24 Q. Yes. Did Mr. Voronchenko ever
 25 indicate to you what his primary business or

1 Corelli
 2 to you or you said to me.
 3 A. Well, it's usually, when you meet with
 4 a client, I'll tell them what our fees are. I
 5 just can't remember exactly if I -- I probably
 6 did. That's why I started to say I did. I expect
 7 I most likely told him the way -- I did. I told
 8 him what our fees would be.
 9 He also had at the time, he
 10 expressed -- he expressed a desire to be into the
 11 apartment quickly. And I explained to him that
 12 the kind of design project that he was
 13 contemplating required a greater degree of time to
 14 prepare the drawings, to develop the design, to
 15 meet with him, to get his input, that there was a
 16 process that, you know, was typical in this kind
 17 of a project that, you know, would take a certain
 18 amount of time, and, in explaining that to him, I
 19 also explained to him how we billed, what our fees
 20 were, and what have you, some of the other
 21 expenses he might have, you know, with a building
 22 department expediter.
 23 I also believe, although I'm not
 24 positive, that he may have mentioned that they
 25 already had a condo approval for a scope of work.

1 Corelli
 2 businesses were?
 3 A. He did.
 4 Q. What did he tell you?
 5 A. He told me that he was a leading
 6 retailer of luxury brands in Moscow, and that he
 7 was familiar with complex, high-end construction
 8 and was comfortable with that. He gave me to
 9 understand that he -- he sort of understood the
 10 process that would be involved in doing a very
 11 high-end residential renovation.
 12 Q. When you met with him that first time,
 13 did you discuss with him at all how your fee would
 14 be set, how your fee structure would work?
 15 A. I believe I probably --
 16 THE WITNESS: -- can I go off the
 17 record for one quick sec just to get some
 18 clarification?
 19 MR. McKEE: No.
 20 MR. MANDEL: If you don't understand
 21 the question, you should just say you don't
 22 understand the question. And if you're
 23 concerned about something that is protected
 24 by the attorney-client privilege, obviously,
 25 you shouldn't discuss anything that I said

1 Corelli
 2 Q. Yes. Anything else?
 3 A. But he was -- but it was clear that he
 4 was -- he was trying to identify a -- he was
 5 trying to find somebody to actually design a
 6 project that would meet his criteria.
 7 Q. One of the things you just
 8 mentioned -- I'm not going to restate it exactly,
 9 but it seems that you explained that there would
 10 be some difficulty or that this would take some
 11 period of time to develop this project as it was
 12 described by Mr. Voronchenko. Yes?
 13 A. Yes.
 14 Q. So you anticipated there'd be a grade
 15 deal of detail involved in this particular
 16 project?
 17 A. Oh, yeah.
 18 Q. And because of that amount of detail,
 19 you expected that it would take perhaps more time
 20 than a typical project might take?
 21 A. There's no such thing as a typical
 22 project.
 23 Q. When you entered into this project,
 24 did you consider this likely to be something that
 25 would take longer than projects that you're

1 Corelli
 2 usually involved in?
 3 A. I knew, based on the scope of what he
 4 was telling me, that we were -- this it was going
 5 to be a lot of work.
 6 Q. Yes. And again, going back to that
 7 first meeting, other than just giving you an idea
 8 of what type of person he is, and that he has
 9 exposure to some of the finer things in life, did
 10 he give you any indication of what he particularly
 11 was looking for by way of fixtures and finishes?
 12 A. Not at the initial -- not at the
 13 initial -- I mean, we might have discussed, you
 14 know, the importance of lighting or some random
 15 considerations. But we didn't get into a specific
 16 discussion of design elements.
 17 Q. Did he give you any -- did he show you
 18 any artwork or show you photographs of the artwork
 19 that he intended to showcase at his Manhattan
 20 apartment?
 21 A. Not on that occasion.
 22 Q. All right. But in any event,
 23 following that first meeting, you believed that
 24 this project would involve a significant amount of
 25 time in order to finalize the design?

1 Corelli
 2 A. Yes.
 3 Q. Between summer of 2007 and the summer
 4 of 2008, how many times do you estimate that you
 5 discussed this project with Mr. Voronchenko?
 6 A. When you say "discussed," do you
 7 mean -- this is a question. Are you talking about
 8 specific, like, formal design meetings or are you
 9 talking about a brief telephone call, a social
 10 thing where -- I mean, I don't totally understand
 11 the nature of your question.
 12 Q. I will try to establish a time for
 13 you.
 14 Let me show you a document --
 15 A. Okay.
 16 Q. -- previously marked as Exhibit 2.
 17 It's got a date of September 5, 2008. It's an AIA
 18 form B105-2007.
 19 (Handing document to witness.)
 20 Q. Do you recognize that document?
 21 A. I do.
 22 Q. And there's a signature on the last
 23 page on behalf of, I think it's Triarch, Inc.?
 24 A. Yes.
 25 Q. Is that your signature?

1 Corelli
 2 A. It is.
 3 Q. And do you recognize that as being the
 4 contract for services which you, meaning Triarch,
 5 provided to Medallion on this project?
 6 A. Yes, I believe it is.
 7 Q. So prior to this point in time,
 8 September of 2005, you were not formally retained
 9 to provide any services; is that correct?
 10 A. That's correct.
 11 Q. All right. Now, going back to when
 12 you first spoke about this, and met
 13 Mr. Voronchenko in the summer of 2007, up through
 14 the time that the contract was entered into
 15 sometime around September of 2008, how many times
 16 do you think you discussed the project with him,
 17 this potential project?
 18 A. Before we did this? Before we entered
 19 into the contract?
 20 Q. Yes, sir.
 21 A. Um -- I can't say with any certainty
 22 because I would have -- when I saw Vladimir in the
 23 summer, I would have been -- I know we had that
 24 meeting in the house. I might have had some
 25 other, another conversation when we were just

1 Corelli
 2 discussing this. But a lot of the -- it was also
 3 tied together with social interaction. You know,
 4 like we might have been talking about something
 5 and then we were having a dinner in Southampton
 6 or -- um -- so I'm not -- it's hard for me to tell
 7 you, you know, between the time I met him and we
 8 signed this, that X amount of times we spoke about
 9 the actual job. I can't say -- I can't recall.
 10 Q. Um-hum.
 11 A. I mean, it's also almost four years
 12 ago.
 13 Q. That's fine. I'll ask it this way:
 14 Between that first meeting in the
 15 summer of 2007 and the date of that contract, did
 16 you discuss the project, this potential project
 17 with him at all?
 18 A. Yes.
 19 Q. All right. And on that one or more
 20 occasions which you may have discussed the
 21 project, did you go into any more detail with him
 22 about what he wanted in the project?
 23 A. Yes.
 24 Q. And in that subsequent meeting or
 25 meetings, up to the time of contract, what else

1 Corelli
2 did he tell you that he was looking for by way of
3 his Manhattan apartment?
4 A. I think -- I'm not certain about the
5 times, but I do believe, as best I can recall, he
6 came to my apartment. And I have a kitchen which
7 is open to my living room. I live in a loft
8 apartment. And he was very interested in that.
9 He was also very interested in my library. He
10 wanted to create something that was similar in his
11 own apartment.
12 And when he visited me, I talked with
13 him a lot about how, you know, how the floor plan
14 and the organization of the apartment generated a
15 certain character and functionality and what have
16 you. And that was something he was very
17 interested in exploring in his own apartment.
18 And actually in point of fact, when we
19 started, part of our initial pass at the design
20 was to take the existing floor plan and reimagine
21 it with a more, you know, I believe in the early
22 design, we were, in the first iteration of our
23 design, we were doing a lot more kind of plan
24 reconfiguration of the existing apartment.
25 But that was -- that part of the work

1 Corelli
2 originated in some of those very early
3 conversations about how 515 Park was set up, and
4 how it might be approved.
5 MR. McKEE: Let's mark this.
6 EXH (Defendant Exhibit 36, printout of
7 e-mail document, marked for identification,
8 as of this date.)
9 Q. Sir, I'm going to hand you what was
10 marked as Exhibit 36.
11 (Handing document to witness.)
12 Q. And ask you to take a moment to look
13 at this.
14 (A pause in the proceedings.)
15 A. Yeah. This is -- this -- okay, sorry.
16 Yeah, I recognize this.
17 Q. Okay. You sent an e-mail to Garry,
18 would that be Garry Braverman?
19 A. It would.
20 Q. And that was on August 25?
21 A. Correct. Yes, that's correct.
22 Q. And who do you understand Braverman to
23 be? Who is he affiliated with?
24 A. When I first met him, I thought he was
25 Vladimir's butler.

1 Corelli
2 Q. Okay.
3 A. He was Vladimir's all-around
4 assistant. I didn't -- I didn't really know. But
5 I was given to understand that he was the guy that
6 I would be coordinating with while Vladimir was
7 traveling, because Vladimir wasn't in New York --
8 he was only in New York episodically.
9 Q. One of the defendants in this lawsuit
10 is -- goes by the name of Medallion, Inc. What's
11 your understanding of what Medallion, Inc., is?
12 A. I understood that to be the corporate
13 entity that held title to the apartment.
14 Q. Okay. Do you know when that apartment
15 came into the ownership of Medallion, Inc.?
16 A. I do not.
17 Q. Do you know whether, when you first
18 met Voronchenko in the summer of 2007, whether or
19 not he had closed on that property? He or
20 Medallion, I should say.
21 A. I would have no way. I assumed, he
22 had keys, he told me it was his apartment.
23 Q. And in those initial meetings with
24 Voronchenko, when you first met Voronchenko at his
25 place, was Braverman there, too?

1 Corelli
2 A. The first -- yeah. The first time I
3 met him, it was at a dinner and the -- there were
4 maybe four people working in the house. You know,
5 kitchen staff and somebody serving dinner, and
6 Garry was kind of at the front and was just sort
7 of making sure everything was okay. That's why I
8 didn't know if he was, you know, a professional
9 employee or a domestic employee or exactly what.
10 Q. Okay. In the body of your e-mail from
11 August 25 to Garry Braverman, you begin by saying,
12 "It was a pleasure to see you again over the
13 weekend."
14 Had you had a meeting or some sort of
15 engagement where you saw Mr. Braverman?
16 A. Yeah. At the last thing says, I sent
17 him a note to thank him for the lovely evening.
18 It was probably -- we probably had dinner at his
19 house in Southampton, or maybe we had dinners.
20 Q. At Braverman's house?
21 A. No, no. At Mr. Voronchenko's house.
22 Q. I see. And Braverman was there?
23 A. Yes.
24 Q. Was Braverman a participant in the
25 festivities or again did it appear that he was

1 Corelli
2 working, coordinating?
3 A. You know, I don't recall, because I
4 actually don't recall the specific evening that I
5 refer to in the e-mail. So I -- I can't say with
6 any certainty.
7 Q. You reference Vladimir, Lisa. Who is
8 Lisa?
9 A. Lisa is the mother of his child who I
10 think may or may not be a wife. I think they may
11 be married. I'm not sure.
12 Q. Okay. So she was, as you understood
13 it, Vladimir's partner? Relationship partner?
14 A. Are you talking about Lisa?
15 Q. Yes. Let me withdraw that. Lisa was
16 associated with Vladimir or with Braverman?
17 A. Vladimir.
18 Q. With Vladimir. Okay. Did you discuss
19 with Lisa at all about what this rehabilitation of
20 the apartment would consist of?
21 A. No.
22 Q. Did she provide any input at all
23 into --
24 A. None.
25 Q. Okay. For purposes of the deposition,

1 Corelli
2 you have to allow me to complete the question and
3 get it out on the record first, because you may
4 answer a question and 99 percent of the times
5 you're going to be right, that you'll have
6 anticipated what the question is. But there's
7 always the occasion where you might be wrong. So
8 that the record is clear, you should let me finish
9 my question, okay?
10 A. My apologies.
11 Q. Great. But your answer was to what I
12 was going to ask.
13 At that meeting that's referenced in
14 here, what, if any, additional information did
15 Vladimir give you about his project?
16 A. Um -- I don't believe he gave me any
17 additional information following on the meeting
18 that's described here. This was more of a social
19 occasion than anything else.
20 Q. Okay.
21 A. And there were other people there. It
22 wasn't just...
23 Q. So this particular encounter with
24 Vladimir was more social than it was related to
25 the project at hand, correct, if I understand your

1 Corelli
2 testimony?
3 A. The dinner, yeah. That's right.
4 Q. But in any event, subsequent to that
5 meeting or dinner engagement, you forwarded a form
6 of contract or proposed form of contract, is that
7 correct?
8 A. Yes, that's correct.
9 Q. And the form of contract you sent,
10 would that be what we've marked as Exhibit 2?
11 (Witness perusing document.)
12 A. I believe the initial contract that we
13 sent had a fee proposal for 20 percent of the
14 construction cost, although I could be wrong about
15 that. Typically, our fees are 20 percent and
16 there was some negotiation around the fee.
17 I don't remember if we had discussed
18 it in person and I just sent this, or we had sent
19 a contract at 20 percent, they made comments and
20 then we sent them a new contract. I just don't
21 remember.
22 Q. If you go to page 3 --
23 A. Okay.
24 Q. -- of the contract --
25 A. Yeah.

1 Corelli
2 Q. -- under article 6, it references 17
3 percent of construction cost as being the fee,
4 correct?
5 A. Yes.
6 Q. All right. And that was negotiated
7 down, to your recollection?
8 A. That's correct.
9 Q. Ms. Deiss referred to it as a family
10 discount. Was there a discount given because
11 there was some degree of familiarity yourself
12 through your wife and Mr. Voronchenko?
13 A. Ah -- I guess. I mean, it was a -- it
14 was a great job. We really were excited about
15 working on it. Vladimir was somebody who seemed
16 to really want to do a great job and we were very
17 excited about the opportunity to work on it. And,
18 you know, he's a businessman, obviously, and so,
19 we just sort of bit the bullet on it.
20 Q. Going back to Exhibit 36, which is the
21 e-mail, you wrote in here, that, "As I had
22 mentioned on Sunday, it would be very helpful if
23 we could get the AutoCAD file for the existing
24 layout."
25 See that reference?

1 Corelli
 2 A. Um-hum.
 3 Q. Yes?
 4 A. Um-hum.
 5 Q. You have to say yes or no.
 6 A. Yes. Yes.
 7 Q. Okay.
 8 A. Sorry.
 9 Q. Great. Had you been advised that
 10 there was an AutoCAD file for the existing layout?
 11 A. Yes.
 12 Q. Were you given any indication as to
 13 who prepared the AutoCAD file?
 14 A. No. Not at the time.
 15 Q. Who told you that there was a
 16 preexisting AutoCAD file for the existing layout?
 17 A. I don't recall.
 18 Q. In response, Braverman said that he
 19 would obtain the AutoCAD file and forward it
 20 together with a copy of the alteration agreement.
 21 See his response?
 22 A. Yes.
 23 Q. Did Braverman indicate from whom he
 24 would obtain a copy of the AutoCAD file?
 25 A. No, he did not.

1 Corelli
 2 Q. What did Mr. Voronchenko tell you
 3 about any work that he had already done up through
 4 August of 2008 with any other designers related to
 5 his apartment?
 6 A. He -- there was a time when we met at
 7 the apartment and he showed us a whole series of
 8 different projects that had been prepared by
 9 different people over what appeared to be a fairly
 10 extended period of time. And there were all kinds
 11 of different schemes.
 12 I had the impression after that that
 13 he'd been kind of back-and-forth with a number of
 14 different people and was trying to find a -- an
 15 approach to the design of the apartment that was
 16 compatible with his aspirations for it. And based
 17 on the work that I saw, most of which was pretty
 18 amateurish, he'd been unable to -- unable to find
 19 anybody.
 20 So that was how we had got there.
 21 Q. When you looked at this whole series
 22 of schemes, how many different architects or
 23 designers do you estimate provided that to him?
 24 A. I would say at least three. And there
 25 could be more.

1 Corelli
 2 Q. Did you recognize the names of any of
 3 them?
 4 A. I did not.
 5 Q. Were the names present on any of the
 6 documents that you saw?
 7 A. You know, I don't even recall.
 8 Q. Okay. Did you ask Mr. Voronchenko
 9 whether he had entered into any kind of contract
 10 or agreement with any of these designers or
 11 architects who preceded you?
 12 A. No, I did not. It -- no.
 13 Q. Did Mr. Voronchenko say that he was
 14 abandoning any future work with any of these other
 15 providers?
 16 A. Mr. Voronchenko characterized the work
 17 that he showed me as stuff that he had been very
 18 disappointed in. He was frustrated that he had
 19 been -- I don't know how long he'd owned the
 20 apartment but obviously, he hadn't been able to
 21 kind of get the ball rolling, as it were. And it
 22 was clear in looking at the work product of the
 23 predecessor interior designers that had been
 24 involved with the project that he'd kind of been
 25 all over the place in terms of the people that

1 Corelli
 2 he'd asked to take a look at it.
 3 I mean, there were schemes that, it
 4 would just -- I mean, they -- it was just a whole
 5 random assortment of stuff.
 6 Q. The random assortment of stuff, did it
 7 include floor plans?
 8 A. Um -- I don't remember seeing floor
 9 plans as much as renderings.
 10 Q. What do you mean by "renderings"?
 11 A. Just colored diagrammatic -- there was
 12 some perspectives, there were different -- and
 13 there may have been some floor plans. But they
 14 were -- they were not -- the material also
 15 wasn't -- wasn't terribly well organized. It was
 16 in the kitchen and it was in, kind of, piles. So
 17 it wasn't -- it seemed to have been kind of left
 18 there, best I could describe it.
 19 Q. Left there by Voronchenko?
 20 A. Or Garry or whomever. I don't know.
 21 Q. When you went to the apartment, was
 22 Voronchenko there?
 23 A. Uh -- we met -- we did meet in the
 24 apartment with Voronchenko.
 25 Q. Yes. I'm talking about immediately

1 Corelli
 2 preceding this proposed contract, forwarded to
 3 Braverman. You met at the apartment?
 4 A. That I don't -- I don't recall exactly
 5 when I met him in the apartment in the fall of
 6 2008. I do remember being with him in the
 7 apartment. I just don't remember when it was.
 8 Q. When you went to the -- was that your
 9 first time at the apartment, this time, when you
 10 saw these various schemes from at least three
 11 other interior designers?
 12 A. Most likely.
 13 Q. Okay. Do you draw a distinction
 14 between interior designer and architect?
 15 A. In this -- yes.
 16 Q. And in your own words, what's the
 17 distinction?
 18 A. The architect of record for a project
 19 like this would be charged with preparing the
 20 filing documents with the Department of Buildings
 21 and making sure that the contemplated scope of
 22 work conforms with applicable law.
 23 What the interior designer is doing is
 24 providing a scope and the details for the
 25 outfitting of the apartment; the materials, the

1 Corelli
 2 floor finish, the cabinetry, the hardware, the
 3 lighting, the details.
 4 And in a -- in this particular
 5 situation, it was envisioned that there would be
 6 an interior design company that would develop the
 7 project that Vladimir was attempting to create and
 8 there was a -- an executive architect who would be
 9 responsible for the filing with the buildings
 10 department and who would have obtained the
 11 condominium board approval for the alteration
 12 scope.
 13 It's also, when we were negotiating
 14 the fee, it was explained to us that we would not
 15 have the liability and the responsibility for
 16 being the architect of record and doing all the
 17 filing and the building department work. And in,
 18 you know, looking at the business opportunity, the
 19 fact that they had an architect of record who we
 20 were told had already obtained certain approvals
 21 made the scope of our work less. So we could just
 22 focus really on the design component of it.
 23 MR. McKEE: Just a moment.
 24 (A pause in the proceedings.)
 25 Q. You used the -- correct me if I'm

1 Corelli
 2 wrong, I think you used the word "executive
 3 architect."
 4 A. I did.
 5 Q. And is that the same as the architect
 6 of record, another phrase you just used?
 7 A. I intended it to be. I don't know if
 8 I'm actually using it correctly. But that was my
 9 intention.
 10 Q. It's not a legal technicality. I just
 11 wanted to --
 12 A. That was my intention.
 13 Q. -- that I interpreted your statement
 14 as equating the two, meaning that you just used
 15 the phrase interchangeably, am I correct?
 16 A. You are.
 17 Q. Thank you. Okay. And you said, so
 18 that the way the project was structured was that
 19 there was going to be an executive architect or an
 20 architect of record who would be responsible for
 21 filings and approvals, do I have that right?
 22 A. That's correct.
 23 Q. Okay. And that the way the project
 24 was structured, there would also be a professional
 25 who would -- I'm just paraphrasing -- there would

1 Corelli
 2 be a professional who would be responsible
 3 separately for interior design; do I have that
 4 correct?
 5 A. That's correct.
 6 Q. And further, I believed you indicated
 7 that the way the project was structured, that
 8 therefore, the scope of your work was narrowed and
 9 would focus upon the interior design elements. Is
 10 that fair?
 11 A. That's fair.
 12 Q. All right. Does that mean that, as
 13 this job was structured, and once the contract was
 14 executed, that Triarch, Inc., was in fact the
 15 entity retained to provide interior design
 16 services?
 17 A. That's correct.
 18 Q. So when you said that there would be
 19 an interior designer, you're not referring to yet
 20 another third party, are you?
 21 A. No.
 22 Q. You're referring that, once the
 23 contract was executed, that scope of work was
 24 picked up by Triarch, yes?
 25 A. That's correct.

1 Corelli
 2 Q. Okay. When, in this period of time,
 3 this August 25th, 2008 up through September 5th,
 4 2008, which is the date on the contract, not
 5 necessarily the date it was signed, was there an
 6 executive architect or architect of record already
 7 involved?
 8 A. I believe so.
 9 Q. Did you have an understanding at that
 10 time who that was?
 11 A. I -- I don't recall.
 12 Q. As you sit here today, in your own
 13 mind, do you have an understanding of who that
 14 entity was?
 15 A. Yes.
 16 Q. And who do you understand that to be?
 17 A. Garth Hayden.
 18 Q. Before the contract was executed, did
 19 you review any materials which had been prepared
 20 by Garth Hayden?
 21 A. Before the contract was executed?
 22 Q. Yes, sir.
 23 A. I do not believe so.
 24 Q. Before the contract was executed, were
 25 you provided with an AutoCAD drawing of the

1 Corelli
 2 existing conditions?
 3 A. I believe that we were given a plan
 4 that might have even been from the original
 5 marketing materials from the building. We were
 6 given something. And we were trying to get more
 7 accurate information.
 8 And I don't recall when we got
 9 material from Garry Braverman, and when we
 10 measured the drawing -- because typically when we
 11 have a project like this, what we would have done
 12 here is, we'll go and measure everything so that
 13 we're working off accurate base drawings.
 14 I don't recall the exact sequence of
 15 how we obtained all that different information in
 16 order to start our work. Michaela will probably
 17 have a better handle on that than I would.
 18 Q. Now, going back to Exhibit D-2, which
 19 is the contract --
 20 A. This here? Okay.
 21 Q. -- yes, sir -- the contract itself is
 22 fashioned as being between Medallion, Inc., and
 23 Triarch.
 24 A. Yes.
 25 Q. We should more properly say Triarch,

1 Corelli
 2 Inc.?
 3 A. Okay.
 4 Q. Do you agree with that?
 5 A. Yes.
 6 Q. If you go to the bottom of page 1 --
 7 A. Yes.
 8 Q. -- it says, "The owner and architect
 9 agree as follows."
 10 Did you understand in this proposed
 11 agreement that was eventually entered into, that
 12 in the agreement, Triarch, Inc., was being
 13 referred to as "the architect"?
 14 A. I'm sorry, I don't understand the
 15 question.
 16 Q. Yes. If you look at the front page,
 17 "The owner," it says, between the owner, and the
 18 name Medallion, Inc. --
 19 A. Oh, I see what you're saying. Okay.
 20 Q. And then it describes the architect as
 21 Triarch, Inc., do you agree with that?
 22 A. I do.
 23 Q. And the entire agreement is titled,
 24 "Standard Form of Agreement Between Owner and
 25 Architect For a Residential Or Small Commercial

1 Corelli
 2 Project," do you agree with that?
 3 A. I do.
 4 Q. At the very bottom of page 1, in the
 5 text, the body of it, it says, "The architect will
 6 provide a full scope of architectural and interior
 7 design services for the owner."
 8 Do you see that?
 9 A. I do.
 10 Q. What services were being provided by
 11 Triarch which fit under the heading of "full scope
 12 of architectural services," as opposed to interior
 13 design services?
 14 A. Well, again, you know, if you're
 15 designing the interior of a room, it's -- it is
 16 architectural in the sense that you're using
 17 architectural ideas. It's architectural work.
 18 It's design work. It's, I mean, interior design
 19 is by nature part of the interior of a building.
 20 The difference here, though, is that
 21 we're not the architect of record. We're working
 22 as the design architect on the one hand, and
 23 there's an executive or architect of record who is
 24 responsible for filing it with the building
 25 department and who is, you know, has liability for

1 Corelli
2 it and all the rest of it.
3 It's common in the profession, as I'm
4 sure you're aware, that very often on different
5 kinds of projects, you'll have a design architect
6 and an executive architect. That's all this
7 agreement contemplated. And that was the way that
8 we were supposed to be working.
9 Q. Okay. Is there anywhere in this
10 agreement where it refers to an executive
11 architect or an architect of record?
12 (Witness perusing document.)
13 A. I don't believe so.
14 Q. The original contract or proposed
15 contract issued from your office was sent to
16 Braverman, correct? Yes?
17 A. Yes.
18 Q. And there may have been some minor
19 modifications before what we see here as D-2 was
20 executed, correct?
21 A. That may be.
22 MR. McKEE: I have a copy of an
23 unexecuted contract but I've reviewed it,
24 and I don't see any distinction between the
25 executed and the unexecuted.

1 Corelli
2 Are you in possession of a series of
3 any changes, any changed agreements? I
4 didn't see it in the production.
5 MR. MANDEL: I'm not. I haven't seen
6 any drafts, either, other than that one
7 unsigned document, which appears to me to be
8 identical as well.
9 A. It may have just been a conversation
10 as how we established the fee.
11 Q. Okay. Fair enough. Would there be a
12 reason why you wouldn't, in your agreement, if
13 your services were more devoted to the scope of
14 interior design, why you wouldn't specifically
15 call out the fact that Triarch was not going to be
16 responsible for any filings or approvals?
17 A. Well, we -- we thought that, by
18 describing this as architectural and interior
19 design, that, you know, in connection with a
20 renovation/decoration, that we sort of covered it.
21 But -- and the parties to the agreement knew that
22 there was a, you know, another architect who was
23 going to serve as the architect of record already
24 in place.
25 And the other thing that -- yeah, I

1 Corelli
2 mean, that's -- it's just like everybody knew it.
3 I mean, obviously in retrospect now -- but at the
4 time it was just -- it's kind of everybody knew
5 that's what we did doing.
6 Q. And that was clear, to your
7 understanding?
8 A. Well, it was our understanding from
9 them. Because that's what they had arranged for.
10 Q. Okay. But as you entered into this
11 agreement, that was your understanding.
12 A. Yeah.
13 Q. Okay. Now, if you go, under article
14 1, which is at the top of page 1 --
15 A. Okay.
16 Q. -- you see there's a stand-alone
17 section or heading. It says, "Interior Design."
18 A. Um-hum.
19 Q. So beneath that, there's a separate
20 paragraph about the different phases of the
21 project, correct?
22 A. Okay.
23 Q. Do you agree with that?
24 A. I do.
25 Q. Okay. And those phases included

1 Corelli
2 schematic design, design development, construction
3 document phase, correct?
4 A. Um-hum.
5 Q. Yes?
6 A. Um-hum -- yes, I'm sorry.
7 Q. And that's carried out again under
8 article 6, where we see the section regarding
9 payments and compensation, correct?
10 A. Correct.
11 Q. And your progress payments were based
12 upon the completion of each of those phases,
13 correct?
14 A. Correct.
15 Q. Now, going back to, under this article
16 1, that second full paragraph, last sentence of
17 that paragraph, "The architect shall assist the
18 owner in filing documents required for approval of
19 governmental authorities and obtaining proposals
20 and in awarding contracts for construction."
21 Do you see that?
22 A. Where --
23 Q. The last sentence --
24 A. Oh, here.
25 Q. -- of the second full paragraph under

1 Corelli
 2 article 1.
 3 A. "The architect" -- yeah, I see that.
 4 Q. Now, the reference in there to "the
 5 architect shall assist the owner in filing
 6 documents required for approval of governmental
 7 authorities," wouldn't that be something which
 8 would fall to the executive or architect of
 9 record?
 10 MR. MANDEL: Objection.
 11 You may answer.
 12 A. No, actually. We have to -- the
 13 architect of record wouldn't be in possession of
 14 those construction documents or design documents.
 15 They need -- the executive architect would need to
 16 take our work and put it in a form that would be
 17 appropriate for filing with the -- with the DOB or
 18 with the condominium board.
 19 Q. Okay. So you would have to prepare
 20 the documents and then the architect of record
 21 would actually then have to incorporate those and
 22 get the final DOB or condo board approval?
 23 MR. MANDEL: Objection.
 24 You may answer.
 25 A. Yeah.

1 Corelli
 2 Q. Okay. And then the next paragraph
 3 under article 1 concerns construction phase, which
 4 again is broken out also under "billing."
 5 A. Um-hum.
 6 Q. This project with your involvement
 7 never got to the construction phase, correct?
 8 A. No, but apparently our project got
 9 built but not with us.
 10 Q. Your relationship with Voronchenko
 11 came to an end before construction began.
 12 A. That is correct.
 13 Q. So you didn't provide construction
 14 phase services, correct?
 15 A. We did not.
 16 Q. It was your anticipation that, during
 17 the construction phase, you would provide contract
 18 administration?
 19 A. That's correct.
 20 Q. As opposed to construction management.
 21 You weren't going to provide --
 22 A. No.
 23 Q. Okay. And that contract
 24 administration again would be provided by you and
 25 not the architect of record as you've referenced?

1 Corelli
 2 A. That's correct.
 3 Q. Okay. If you look down under article
 4 3 of the contract, article 3 references use of
 5 documents, do you see that?
 6 A. Um-hum.
 7 Q. Yes?
 8 A. Yes, I do.
 9 Q. Okay. And there's a standard phrase
 10 in here that the documents are instruments of the
 11 architect's service, do you see that?
 12 A. I do.
 13 Q. And that's used in all AIA contracts,
 14 correct?
 15 A. As far as I know.
 16 Q. What is your understanding of what
 17 "instruments of the architect's service" are?
 18 What does that mean?
 19 A. The drawings, the notes, the things
 20 that we put down on paper are intended to
 21 represent the work that we've done, design work,
 22 the effort that we've made to realize the project.
 23 It's not a very good definition. But -- um --
 24 the -- the drawings are what we use to represent
 25 our thinking about and our work and everything

1 Corelli
 2 that we've come up with in the design of the
 3 project. And we put them in the drawings so that
 4 we can explain them to the client, so that people
 5 can fabricate the work that is required in order
 6 to realize the project.
 7 Q. For that particular project.
 8 A. Well, in general. I mean it's --
 9 that's what our drawings do.
 10 Q. Well, yes, but that same sentence goes
 11 on to say, "And are for the owner's use solely
 12 with respect to this project." Correct?
 13 A. Um -- yeah. My guess is that that
 14 language probably covers somebody who designs a
 15 speculative office building that you could build
 16 anywhere. I mean, obviously, if we did a project
 17 to renovation this apartment, unless you were
 18 doing another apartment in the same line or the
 19 same building, I don't know that you could really
 20 use the documents for anything.
 21 Q. Okay. When you entered into this
 22 contract, article 6 references 17 percent of the
 23 construction cost. We talked about that already,
 24 right?
 25 A. Yes.

1 Corelli
 2 Q. When the contract was signed, there's
 3 no reference to an estimated cost of construction;
 4 do you agree with that?
 5 A. I agree with that.
 6 Q. Was there a reason no estimated cost
 7 of construction was included?
 8 MR. MANDEL: Objection.
 9 You may answer.
 10 A. When we -- yeah. When we started, it
 11 was -- the approach to the project, at least
 12 initially was, you know, it wasn't that he has a
 13 chunk of money. Like some clients will come to
 14 you and they've got, you know, half a million
 15 dollars, that's what we have to spend, and you
 16 have to work very closely within that.
 17 This project was different in that it
 18 was more, the focus was really on what he wanted
 19 to achieve. And the idea was, all right, so if we
 20 get to a point with scope of work that he's happy
 21 with, how much is it going to cost.
 22 Now, he's a businessman. You, you
 23 know, we explained that -- the importance of
 24 competitive bidding and, you know, the whole
 25 project management issues that arise in building a

1 Corelli
 2 received the signed contract on or about the 5th
 3 of September 2008?
 4 A. That seems -- yes. I believe that's
 5 correct.
 6 Q. So the reason why Anne from Triarch
 7 was forwarding to you and Ms. Deiss' attention a
 8 copy of the digitally signed contract on December
 9 8, 2008?
 10 A. I -- I have no idea.
 11 Q. Anne is your office manager or --
 12 A. She was at the time.
 13 Q. Okay. But as you look at this, you
 14 can't think of any particular reason why you would
 15 have been getting this contract sent to you in
 16 December of 2008, correct?
 17 A. I -- I don't -- I have no idea.
 18 Q. And right below that, it appears,
 19 below the December 8, 2008 e-mail, there seems to
 20 be a December 11, 2008 e-mail from Anne Rizvi of
 21 Triarch. Had the contract not been signed by you
 22 folks prior to December of 2008?
 23 A. Had it been signed or --
 24 Q. Had it not been signed prior to
 25 December of 2008?

1 Corelli
 2 project like this.
 3 But, you know, at the outset, the --
 4 the issue wasn't really how much is it going to
 5 cost. It's really, what's the project going to
 6 look like, where are we going to go with this?
 7 So we had to put down something. And
 8 I don't know what we started with. Maybe -- I
 9 just -- I don't know what we started with.
 10 Q. Okay, you can set that aside. I show
 11 you what was previously marked as D-19.
 12 (Handing document to witness.)
 13 Q. It's an e-mail chain. The last or
 14 most recent one is dated December 8, 2008, and it
 15 seems to be forwarding an e-mail from Braverman to
 16 Anne dated September 5, 2008.
 17 Do you recognize this?
 18 A. Um -- yeah.
 19 Q. And the original message from
 20 September 5, 2008 from Garry Braverman to Anne
 21 reads, "Attached please find signed contract."
 22 Do you agree that's what it says?
 23 A. Yes.
 24 Q. And is it your general recollection
 25 that the contract was in fact signed or you

1 Corelli
 2 A. I don't -- I mean, I assume it was --
 3 I assume I signed it and sent it back to Garry.
 4 Q. There's no date by your signature, do
 5 you agree with that? By your signature.
 6 A. There's no date by my signature.
 7 Q. Okay.
 8 MR. McKEE: Let's mark this.
 9 EXH (Defendant Exhibit 37, e-mail chain
 10 involving Garry Braverman, marked for
 11 identification, as of this date.)
 12 Q. Mr. Corelli, I'm giving you Exhibit 37
 13 with today's date. It's an e-mail chain involving
 14 Garry Braverman. Take a moment to look at that.
 15 (A pause in the proceedings.)
 16 A. Do you want me to read this one as
 17 well or just this one for now?
 18 Q. Well, actually, I'm going to ask you
 19 about an e-mail that's on the second page.
 20 A. Okay. Let me just --
 21 Q. So you might as well read them all.
 22 They are not that long.
 23 A. Okay.
 24 (A pause in the proceedings.)
 25 A. Hum. Okay.

1 Corelli
 2 (A pause in the proceedings.)
 3 MR. McKEE: Off the record.
 4 (Discussion off the record.)
 5 A. Okay. This is actually helpful in
 6 terms of jogging my memory.
 7 Q. In what way did it jog your memory?
 8 A. Well, it would appear that the first
 9 time I saw the apartment was actually on September
 10 16th, and, "I'd like to show the apartment to
 11 Michaela," and whoever was probably going to
 12 measure it. So that was probably the first time I
 13 saw it and they got us access. Or maybe I saw it
 14 before and that was the first time I saw it with
 15 Michaela. All right. Want to go back on the
 16 record?
 17 REPORTER: We've been on since you've
 18 been talking.
 19 THE WITNESS: Oh, I'm sorry. Okay.
 20 Q. When you talk, we're on the record.
 21 A. Doesn't seem fair.
 22 Q. Starting with Braverman's e-mail to
 23 you dated September 15 at 1:06 p.m., Garry wrote
 24 that, "Our number one priority is to get the
 25 Italians to start production." I added a word

1 Corelli
 2 their scope of the work would be three months.
 3 Q. From the initiation of shop drawings
 4 up through completion of fabrication?
 5 A. Yeah. From the day -- from the day we
 6 approved the final drawings. Like once our work
 7 was done --
 8 Q. Yes.
 9 A. -- and it goes out for bidding, like,
 10 we've done, we've finished the CDs, it goes for
 11 bidding and, you know, they --
 12 (Telephone interruption.)
 13 A. Okay. Garry didn't really have any
 14 experience in doing this kind of thing. So he was
 15 Vladimir's liaison but he was focused on a
 16 subcontractor, in this case, the cabinetmaker,
 17 getting these drawings because I think Vladimir
 18 had some relationship with the cabinetmaker, in
 19 order for this cabinetmaker to start looking at
 20 their scope of work to bid it, to do their --
 21 their shop drawings, to give us material, finish
 22 samples, to do all the kind of normal process.
 23 They couldn't start that until they had final
 24 drawings.
 25 So, you know, he was saying that

1 Corelli
 2 there. But see what I'm referencing?
 3 A. Yes, I do.
 4 Q. What was your understanding of what
 5 Braverman was talking about there?
 6 A. Vladimir and Braverman, but mostly
 7 Vladimir, had told me that he had an Italian
 8 cabinetmaker that had produced a number of very
 9 elaborate display cases for some of his retail
 10 establishments in Moscow, and he had a
 11 relationship with them and was happy with the
 12 quality of their work, and wanted to engage them
 13 in some way to work on the project.
 14 Q. Yes. So when you were retained or got
 15 into the project, it was your understanding at
 16 least as of September 15, 2008, that the Italians
 17 would be making cabinets for this project?
 18 A. That was his plan, yeah.
 19 Q. Yes. What about this reference here
 20 that, "They need three months from the day we
 21 approve the final drawings," what was your
 22 understanding of what was meant by that?
 23 A. That in order for them to do shop
 24 drawings, submit them, do the material submittals,
 25 fabrication, their whole lead time to produce

1 Corelli
 2 that's an issue. These are people we want to work
 3 with. But in terms of the overall process, that
 4 was, you know, you typically, you know, you do all
 5 the construction documents and then they are bid.
 6 Usually a construction manager or general
 7 contractor will go to the cabinetmaker and the
 8 tiler and the plumber and the electrician and all
 9 his various vendors, and he'll put together a bid.
 10 They were doing the process, they were
 11 managing it in a different way. And, I mean, I
 12 responded to him a couple of hours later, you
 13 know, and I explained to him, "You can't, you
 14 know, you can't start doing paneling drawings
 15 until we sort of develop the project." It was...
 16 Q. What's meant by "final drawings"?
 17 What was your understanding of "final drawings"?
 18 A. Well, construction documents.
 19 Q. Okay.
 20 A. Like design -- like, we have to do the
 21 design documents and then, you know...
 22 Q. So when you responded, as you just
 23 said, and said, "It is, though, a little difficult
 24 to start actually doing the paneling drawings
 25 until we have the basic plan approved," when you

1 Corelli
 2 say "doing the paneling drawings," you're talking
 3 about the construction drawings?
 4 A. Well, I mean, even -- I was trying to
 5 be a little diplomatic. You can't -- we didn't
 6 even know the scope. At this point in the
 7 project, we were, I believe, still looking at
 8 whether or not we were going to expand the scope
 9 of the work to open up the kitchen. We were going
 10 to have a more ambitious design for the library
 11 because Vladimir wanted to have a library like my
 12 library in New York.
 13 And so, you know, for them -- for him
 14 to be saying, you know, the Italians need
 15 paneling drawings was -- um -- like we were just
 16 starting the project. You couldn't, you know, we
 17 wouldn't be in a position to give anybody
 18 cabinetry detail drawings until we had kind of
 19 come up with a project, designed everything.
 20 I mean, it's just -- and I tried to
 21 explain that to him. I also, in this, looked at
 22 the alteration agreement. And then he advised me
 23 that they had already done the alteration
 24 agreement. And -- you know.
 25 Q. Also in Braverman's e-mail of

1 Corelli
 2 September 15th, he also wrote that, "In order to
 3 get the Italians going, you need to concentrate on
 4 redrafting the initial design."
 5 Do you see that reference?
 6 A. What he meant by that --
 7 Q. Well, I was --
 8 MR. MANDEL: There's no question.
 9 Mr. McKee is directing you --
 10 Q. I was directing you to -- I'm not
 11 asking you what he meant by that. I'm asking you
 12 what was your understanding of that. What did you
 13 take that to mean, "Redrafting the initial
 14 design"?
 15 A. I think that the more ambitious scope
 16 of work that I described before about the bigger
 17 library and the open kitchen, all the rest of
 18 it --
 19 Q. Yes.
 20 A. -- I think that they were focused more
 21 on a scope of work that was more modest. So we
 22 weren't going -- in the sense of, we weren't going
 23 to blow out more -- some of the walls that the
 24 more ambitious scheme contemplated, that we would
 25 rework a foyer area, that we could redesign all

1 Corelli
 2 the rooms; but that the kind of schematic scope of
 3 work that had been approved by the condo board, we
 4 should try to work within those parameters.
 5 They had gone through a lot of
 6 difficulty because of the, you know, in just
 7 getting approval from the condo board for a
 8 limited scope of alteration. And once we started
 9 talking about the bigger project, I think they
 10 were worried about having to restart that whole
 11 process again.
 12 So in this, he's saying, "Just work to
 13 the extent, you know, that we can, let's just try
 14 to work within what we already have approved from
 15 the condo board as concerns the scope. So don't
 16 blow out the whole library, don't reconfigure all
 17 that. Let's focus on the limited alteration that
 18 the board has approved, and then go do your
 19 design."
 20 That was -- that was how I interpret
 21 that.
 22 Q. "Don't do anything which is going to
 23 require a reapplication to the board"?
 24 A. Yeah, exactly.
 25 MR. McKEE: Let's mark this.

1 Corelli
 2 EXH (Defendant Exhibit 38, e-mail
 3 document, not otherwise identified, marked
 4 for identification, as of this date.)
 5 Q. Mr. Corelli, I'm giving you
 6 Defendants' Exhibit 38 of today's date, if you'd
 7 take a look at that.
 8 (Handing document to witness.)
 9 Q. Do you recognize this exchange?
 10 A. I do.
 11 Q. Who is Leslie Rinehardt?
 12 A. She was a construction manager that
 13 somebody, maybe Garry, met.
 14 Q. Had you ever worked with Rinehardt
 15 Miller before?
 16 A. I had not.
 17 Q. Had you ever heard of them before?
 18 A. I had not.
 19 Q. In your response to Leslie Rinehardt,
 20 which is at the top here, you indicate you had a
 21 meeting the prior week with the client.
 22 A. Okay.
 23 Q. By "client" do you mean Vladimir or
 24 Braverman or both?
 25 A. I don't remember.

1 Corelli
 2 Q. "We are in the process of, as quickly
 3 as possible, reworking much of what had been
 4 developed by a previous architect."
 5 See that reference?
 6 A. I do.
 7 Q. What were you talking about?
 8 A. Basically, we were trying to work, as
 9 I just described previously, we were trying to
 10 work within the scope that had been approved by
 11 the condominium to develop an interior design for
 12 the apartment in a -- you know, develop the
 13 project.
 14 Q. Let me show you what was previously
 15 marked as 5A, which came out of a collection of
 16 documents produced by your counsel.
 17 (Handing document to witness.)
 18 Q. I ask if you recognize that.
 19 A. Um -- I do.
 20 Q. And when was the first time you ever
 21 saw that?
 22 A. I -- I can't say with certainty. It
 23 may have been part of the -- I have no idea.
 24 Q. Okay. But you have seen it before.
 25 Yes?

1 Corelli
 2 A. Yes.
 3 Q. And did you see it during the course
 4 of your work on the underlying project?
 5 A. Um -- I think so.
 6 MR. McKEE: We'll mark two other
 7 sheets. We'll call one 5B and the other 5C,
 8 because they come out of the same collection
 9 of documents produced by Triarch.
 10 EXH (Defendant Exhibit 5B and 5C, two
 11 quarter-sized sheets, miniature excerpts
 12 from Exhibit 5, marked for identification,
 13 as of this date.)
 14 Q. All right, sir, I'm going to hand you
 15 two quarter-sized sheets. One we've marked with
 16 today's date as 5B. The other we've marked with
 17 today's date as 5C.
 18 I ask you if you recognize either or
 19 both of those sheets.
 20 (Witness perusing documents.)
 21 A. When you say rec -- I mean, they are
 22 plans of 515 Park Avenue, but I can't --
 23 Q. Have you seen them before?
 24 A. These specific drawings, I can't say
 25 with certainty. I'm very familiar with this but I

1 Corelli
 2 can't say that I've seen these particular drawings
 3 before.
 4 Q. Okay. Now, the layout on here shows a
 5 large -- we're looking at 5B, which is a large
 6 foyer --
 7 A. Right.
 8 Q. -- opening directly to the main
 9 elevator, correct?
 10 A. That's correct.
 11 Q. When you first got involved in the
 12 project, were you presented with a drawing such as
 13 this or a set of drawings which may have included
 14 that depiction?
 15 A. Um -- you know, I -- I don't -- I
 16 don't recall. I mean, when we got the -- the
 17 drawings that we got like this aren't really very
 18 useful to us, because they are -- I mean, we went
 19 and measured the whole apartment.
 20 This is, you know, these aren't really
 21 design drawings. In order for us to do what we
 22 do, this would just be like, you know, kind of --
 23 whatever. And as I mentioned, there was a whole
 24 bunch of miscellaneous stuff that had gone on in
 25 the past that really wasn't, you know, I mean,

1 Corelli
 2 I...
 3 Q. Okay. So as you sit here today, you
 4 don't specifically recall any of these three
 5 drawings, is that correct?
 6 A. That's correct.
 7 Q. And 5A has the name Garth Hayden on
 8 it. In looking at that name and this drawing,
 9 does that refresh your recollection at all as to
 10 whether or not you saw this particular drawing,
 11 5A, during your involvement in the underlying
 12 project?
 13 A. I believe I saw this drawing or -- I
 14 saw -- I saw something from Garth Hayden that had
 15 a limited scope of work approved. I don't know if
 16 it's this drawing. I mean, this shows an expanded
 17 foyer. This may have been the drawing. I don't
 18 know.
 19 Q. I'm going to direct you to a set of
 20 plans which was previously marked as Defendants'
 21 Exhibit 1. And after I get through with these,
 22 we'll take a short break, restroom break, coffee
 23 break. Okay.
 24 Take a minute to flip through these
 25 four sheets.

1 Corelli
 2 (A pause in the proceedings.)
 3 A. Okay.
 4 Q. Have you ever seen these before?
 5 A. I don't believe so.
 6 Q. Now, when you say that you were shown
 7 some drawings, correct me if I'm wrong, that had
 8 Garth Hayden's fingerprint on it, that related to
 9 what had been approved prior to your involvement,
 10 was it something other than these?
 11 A. It could have -- when I say -- I --
 12 the thing is, I really don't want to misspeak
 13 here. But I believe what had been approved before
 14 was some copy of work around here --
 15 Q. The foyer.
 16 A. -- the foyer. And -- um -- yeah. I
 17 mean, that's -- to tell you the truth, I wasn't --
 18 initially I was more focused on our, you know,
 19 developing a plan for the design of the project.
 20 And then, when we had to work within the more
 21 limited scope of the foyer, it was like, "Okay,
 22 what can we do here?"
 23 And then, when we were doing our
 24 design of the living room or the library or the
 25 dining room, or the master bedroom and bath, the

1 Corelli
 2 Q. Okay. And it also shows some
 3 reconfiguration of some of the closet space in
 4 that master bedroom area, correct?
 5 A. It appears to be, yeah.
 6 Q. If we look at sheet 2 on Hayden's
 7 plan, that again has a stamp of June 26, 2008 from
 8 the DOB, correct?
 9 A. No.
 10 Q. June 26, 2008?
 11 A. No, no. It's superseded here.
 12 Q. But we're focusing on these plans
 13 right now. We'll get to the amended ones later.
 14 This set that we're looking at says, "Acceptable
 15 for permit under directive number" -- and I'm
 16 upside-down here, I can't read it -- "June 26,
 17 2008," correct?
 18 A. No, I believe it's superseded.
 19 Q. Focus on my question, all right?
 20 A. Yes.
 21 Q. We'll agree that there's a stamp on
 22 the bottom that says "superseded" with a date
 23 8/10/09.
 24 A. Okay.
 25 Q. Okay. Let's look at what I'm asking

1 Corelli
 2 areas that we were working in, you know, we
 3 didn't -- like, these -- whatever Garth Hayden had
 4 done was kind of incidental to our -- our work.
 5 Q. Okay. Now, in looking at sheet 1 of
 6 Hayden's plan, it has a stamp from the DOB down
 7 here of June 26, 2008, is that correct?
 8 Do you see that?
 9 A. I do.
 10 Q. And that certainly precedes your
 11 contract, correct?
 12 A. It does.
 13 Q. Now, you'll also see the first sheet
 14 which is "existing conditions and demo plan." It
 15 calls for a demolition of the wall between bedroom
 16 3 and the living room, correct?
 17 A. That's correct.
 18 Q. And that's where the library was going
 19 to go, correct?
 20 A. That's correct.
 21 Q. And it also called for some
 22 reconfiguration of in entry of this hallway
 23 running into the master bedroom and access into
 24 the master bath, correct?
 25 A. That's what it appears to be, yeah.

1 Corelli
 2 about. There's a stamp on here that says,
 3 "Acceptable for permit under directive number," I
 4 can't read it --
 5 A. It does -- 1475. Yeah.
 6 Q. Yes. And it has a date of June 26,
 7 2008, correct?
 8 A. Yes.
 9 Q. And it's got the perforations or a
 10 copy of the perforation says, "Approved," right?
 11 And it has a date there.
 12 A. That's correct.
 13 Q. And I think it's -- again, it's kind
 14 of weird here, but it looks like June 26, 2008.
 15 And it also -- you agree that it has that -- has a
 16 copy of what would be a perforation, which is what
 17 they do at the DOB, correct?
 18 A. That's right.
 19 Q. And it also has these bar codes on
 20 here. That's something else that the DOB adds
 21 typically, correct?
 22 A. That's correct.
 23 Q. Now, would you agree with me that, on
 24 sheet A-2 of this plan, this sheet from Hayden, it
 25 shows a newly configured wall between bedroom 3 or

1 Corelli
 2 what became the library and the living room?
 3 A. It does.
 4 Q. And it shows what looks like would be
 5 some kind of pocket doors there?
 6 A. That's correct.
 7 Q. And it shows a reconfiguration of the
 8 foyer, correct?
 9 A. That's correct.
 10 Q. And it shows a reconfiguration of the
 11 access into the bedroom hallway, correct?
 12 A. That's correct.
 13 Q. And it also shows a line of closets
 14 having been added along the bedroom wall, correct?
 15 A. That's correct.
 16 Q. And it also shows some slight
 17 reconfiguration of the closets flanking the
 18 bathroom, correct?
 19 A. That's correct.
 20 Q. I should specify, master bath, I
 21 should say, yes?
 22 A. Yes.
 23 Q. Okay. And then on sheet A-3, it
 24 further shows a few elevations --
 25 A. I'm sorry, could we go back to that

1 Corelli
 2 sheet for a moment? This is showing -- oh, that's
 3 the plan examiner. Okay. All right. Sorry.
 4 Q. And sheet A-3 shows a couple of
 5 elevations, correct?
 6 A. That's correct.
 7 Q. And a floor plan for the foyer, I
 8 think.
 9 A. Yes.
 10 Q. Also shows some door openings or
 11 handicapped accessibility.
 12 A. Standard notes, correct.
 13 Q. Are these the type of plans you would
 14 say would typically be submitted by the, I think
 15 you called them the executive architect or
 16 architect of record?
 17 A. Yes.
 18 Q. Now, just so I'm clear, when you began
 19 your scope of work, you don't recall receiving a
 20 set of these?
 21 A. I don't recall. I mean, I know that
 22 they had approval for a scope of work and that
 23 after we looked at doing a more ambitious project,
 24 they asked us to prepare our design working in
 25 conjunction with that limited or more limited

1 Corelli
 2 scope of work.
 3 Q. Garth Hayden's being the more limited
 4 scope of work?
 5 A. Yeah, but for example, when he shows
 6 the library with the things, there's no design of
 7 the library. That's our design work. That's
 8 what's at -- that's what's in contention here.
 9 I mean, anybody can show you, you have
 10 a room like that with a pocket door, but that's
 11 not our design. That's why we have all the -- why
 12 we do all the drawings we do.
 13 Q. Right. Well, it's a process we have
 14 to go through.
 15 A. I understand.
 16 Q. We'll get to that.
 17 A. Okay.
 18 MR. McKEE: But like I said, now would
 19 be a good time to take a restroom break.
 20 (Recess taken.)
 21 EXH (Defendant Exhibit 39, e-mail dated
 22 10/2/09, Corelli to Braverman, marked for
 23 identification, as of this date.)
 24 EXH (Defendant Exhibit 40, e-mail
 25 document, not otherwise identified, marked

1 Corelli
 2 for identification, as of this date.)
 3 EXH (Defendant Exhibit 41, e-mail chain,
 4 marked for identification, as of this date.)
 5 EXH (Defendant Exhibit 42, e-mail dated
 6 12/10/08, Braverman to Corelli, marked for
 7 identification, as of this date.)
 8 EXAMINATION (Cont'd.)
 9 BY MR. McKEE:
 10 Q. Okay, sir, you've been handed what
 11 we've marked as of today's date as Defendant's 39,
 12 an e-mail of October 2, 2009, do you recognize
 13 this?
 14 A. I do.
 15 Q. In this e-mail, you wrote to Braverman
 16 and stated that you spent the past couple of days
 17 reworking the design for the paneling?
 18 A. That's right.
 19 Q. What paneling are you referring to?
 20 A. E-mail of October 2, 2009 uh -- you
 21 know, I don't. Michaela would probably know that
 22 better than me. I'm not sure.
 23 Q. Who was the lead out of your office
 24 for this project?
 25 A. For -- Michaela Deiss.

1 Corelli
 2 Q. Okay. Is that due at least in part to
 3 the fact that this project primarily concerned
 4 interior design as opposed to architectural
 5 design?
 6 A. That's correct.
 7 Q. And in looking at this document, you
 8 can't tell, or you don't recall exactly what
 9 paneling is being referred to here?
 10 A. I don't recall.
 11 Q. I'm going to hand you what we've just
 12 marked as Exhibit 40.
 13 (Handing document to witness.)
 14 Q. Take a moment to look at that.
 15 (A pause in the proceedings.)
 16 Q. Do you recognize this?
 17 A. I do.
 18 Q. Mr. Braverman refers to receiving your
 19 invoice this afternoon. Do you see that?
 20 A. Yes.
 21 Q. November -- the date of the e-mail is
 22 November 4, correct?
 23 A. That's correct.
 24 Q. I'm going to hand you what we marked
 25 earlier today as Exhibit 35, and ask you if the

1 Corelli
 2 the owner's expectations, would come close to two
 3 million dollars to construct?
 4 A. I don't recall.
 5 Q. Did you ever caution or warn the
 6 owner, Mr. Voronchenko, that in order to satisfy
 7 or meet his desires for this project, that it was
 8 going to exceed any budget he may have given to
 9 you?
 10 A. No, he didn't give me a budget.
 11 Q. He never gave you any kind of
 12 limitation at all?
 13 A. No. He described what he wanted to
 14 accomplish with the apartment. He wasn't
 15 specifically -- we weren't specifically directed,
 16 you know, we didn't start with a construction
 17 budget. If we had, it would have been in the
 18 contract.
 19 Q. And it was never conveyed to you in a
 20 subsequent e-mail or correspondence or even
 21 verbally preceding this e-mail of what a limit or
 22 cap was on what they wanted to spend?
 23 A. I certainly have no recollection of
 24 that.
 25 Q. I hand you what we've marked as

1 Corelli
 2 invoice that he is referring to there is invoice
 3 number 1, which is right on top.
 4 A. I believe so.
 5 Q. Okay. Was Phase I, schematic design,
 6 complete by the date that that invoice issued?
 7 A. I believe so.
 8 Q. Now, your anticipated fee, at least as
 9 referenced in Braverman's e-mail of November 4,
 10 came to \$362,000. Is that reflected in this
 11 particular invoice?
 12 A. Um -- I don't know. But I actually
 13 believe I responded to this e-mail at some point,
 14 and clarified his misunderstanding of it.
 15 Q. Okay. I have not seen that. Or at
 16 least I didn't notice it in the production.
 17 In this e-mail, Braverman was,
 18 appeared to show some concern that the anticipated
 19 cost of the project was now 2.1 million. At any
 20 point, did you give an estimate to the owner that
 21 this project would reach a cost of construction of
 22 2.1 million?
 23 A. I don't believe so.
 24 Q. Did you ever give the owner any
 25 indication that this project, if I were to meet

1 Corelli
 2 Exhibit 41 with today's date.
 3 (Handing document to witness.)
 4 Q. Do you recognize this e-mail exchange?
 5 A. Yes.
 6 Q. Between that last e-mail that we just
 7 looked at, where Braverman was claiming that the
 8 project appeared to be approaching two million in
 9 cost, and this e-mail of December 10, 2008, where
 10 Braverman was explaining that fifteen weeks into
 11 the project, that \$70,000 had been expended and
 12 they were still "nowhere," did you have any
 13 discussions with Braverman about budget or
 14 expected cost for construction?
 15 A. As a result of this e-mail?
 16 Q. No. Between this past e-mail,
 17 Exhibit 40, and this e-mail that we're looking at,
 18 Exhibit 41, did you have any discussions with
 19 Braverman about expected project costs?
 20 A. After this e-mail --
 21 Q. Exhibit 40?
 22 A. -- Exhibit 40, I believe I responded
 23 to this e-mail. I do not recall any specific
 24 conversation subsequent to that e-mail about the
 25 actual budget. I don't think anybody knew what

1 Corelli
 2 the budget was going to be, including Vladimir.
 3 Q. Now, when you say what it was going to
 4 be, you mean based upon whatever your final work
 5 product was?
 6 A. Yeah.
 7 Q. Okay. At no point did Vladimir or
 8 Braverman ever give you any kind of a limitation
 9 on where they wanted the price to come in at?
 10 A. I have no recollection of them saying,
 11 "You have a -- this is a not-to-exceed," or -- no.
 12 Q. Okay. Now, in Exhibit 41, Braverman
 13 appears to be expressing some concern about the
 14 length of time and the amount of money spent, do
 15 you see that?
 16 A. I do.
 17 Q. How did you respond to this, if you
 18 did?
 19 A. I don't recall.
 20 Q. You don't recall if you did respond?
 21 A. Wait a minute. This is -- what time
 22 did this one -- I don't recall what my response
 23 would have been. I probably was a little bit
 24 chagrined, because we'd been working very, very
 25 hard on this for many months. So to say that we

1 Corelli
 2 were nowhere was a little frustrating, obviously.
 3 Q. I hand you Exhibit 42.
 4 (Handing document to witness.)
 5 Q. It's another e-mail from later on the
 6 same date, December 10. Do you recognize this?
 7 A. I do.
 8 Q. Now, this e-mail from Braverman
 9 addressed to you, he references your most recent
 10 invoice.
 11 Looking at Exhibit 35, could you tell
 12 me which invoice that would relate to?
 13 (Witness perusing documents.)
 14 A. That would be invoice number 2.
 15 Q. Okay. So the second of three invoices
 16 that are part of this exhibit, correct?
 17 A. I believe so.
 18 Q. Now, this invoice which is designated
 19 as invoice number 2 -- agree with that?
 20 A. Yes.
 21 Q. And it has a date of December 8, 2008,
 22 correct?
 23 A. Correct.
 24 Q. And then the first grouping here, it
 25 says, "Architectural Services."

1 Corelli
 2 Do you see that?
 3 A. I do.
 4 Q. And it says, "Arc serve," that would
 5 be architectural services?
 6 A. Yes.
 7 Q. "One hundred percent of schematic
 8 design."
 9 What does that mean?
 10 A. That we had completed a hundred
 11 percent of the schematic design phase of the
 12 project by this date.
 13 Q. And the second one down in that
 14 section says, "Fifty percent of design
 15 development."
 16 Do you agree that's what it says?
 17 A. That's what it says.
 18 Q. And what does that mean?
 19 A. That means that we had completed fifty
 20 percent of the design development phase of the
 21 project.
 22 Q. And then the third item here, it says,
 23 "20 percent of construction documents." What does
 24 that mean?
 25 A. That means that we had completed 20

1 Corelli
 2 percent of the construction documents phase of the
 3 project.
 4 Q. The wording here, "Architectural
 5 services," that relates to the scope of services
 6 that are set out in your contract?
 7 A. That's correct.
 8 Q. And as you've described that, that's
 9 primarily interior design services?
 10 A. That's correct.
 11 Q. And then there's some additional
 12 services here. Three-dimensional presentations,
 13 is that something that was provided by a
 14 third-party vendor?
 15 A. I believe so.
 16 Q. All right. And you were able, under
 17 your contract, to bill for that separately?
 18 A. That's correct.
 19 Q. And there are some other expenses at
 20 the bottom, correct?
 21 A. That's correct.
 22 Q. Coming back to Exhibit 42, Braverman
 23 wrote to you that, if he were the decisionmaker,
 24 he would pull the plug on the project.
 25 What was your understanding of what

1 Corelli
 2 was meant by that statement?
 3 A. I -- I had the impression that he was
 4 under a tremendous amount of stress from Vladimir.
 5 Q. Prior to this point in time, December
 6 10, 2008, had Vladimir ever told you that he was
 7 thinking of pulling the plug on this project?
 8 A. No. We had very -- we had very good
 9 meetings with him. He -- we'd present the work.
 10 He was very positive about it. He seemed to be
 11 very, very excited about it, particularly when he
 12 started to see the renderings.
 13 Q. When you say "the renderings," are you
 14 talking about the three-dimensional depictions --
 15 A. Of the design, yes. When he could
 16 visualize the design. I think he had some
 17 difficulty reading floor plans.
 18 Q. Yes. Had the Italians been provided
 19 with any kind of construction documents that would
 20 allow them to begin fabrication by this point in
 21 time?
 22 A. I -- I'm not sure.
 23 Q. Item number 2, Braverman wrote that
 24 they had not seen anything related to the master
 25 bedroom, not even a sketch. Do you see that?

1 Corelli
 2 A. I do.
 3 Q. Now, your invoice indicates that
 4 schematic design was a hundred percent complete.
 5 Had you completed schematic design of the master
 6 bedroom by this point in time?
 7 A. I believe so.
 8 Q. Did you respond to Braverman's e-mail?
 9 A. To this e-mail?
 10 Q. Yes, sir.
 11 A. I don't recall. I would imagine I
 12 did.
 13 Q. Well, earlier, I think it was
 14 Exhibit 40, you saw it, and you said specifically
 15 you responded to that one.
 16 A. I have a better recollection of that
 17 one. This one I have less of a recollection of.
 18 Q. So you're not sure one way or the
 19 other if you ever responded in writing to this
 20 particular e-mail.
 21 MR. MANDEL: Objection.
 22 You may answer.
 23 A. I don't recall.
 24 Q. Okay. Let me hand you what was
 25 previously marked as Exhibit 26.

1 Corelli
 2 (Handing document to witness.)
 3 Q. It's an e-mail chain from December
 4 2 -- begins on December 1, I guess, from Michaela
 5 Deiss to Garry and Garry to Michaela, and then
 6 from Ms. Deiss to you?
 7 A. Well, all I have is something from, on
 8 December 1st from Garry to -- no, from Michaela to
 9 Garry, and then Garry's response.
 10 Q. Yes. And then above that it's
 11 forwarded from --
 12 A. Oh, I see. Okay.
 13 Q. -- her to you, do you agree with that?
 14 A. Yeah, yeah. Sorry.
 15 Q. And in Braverman's intermediate e-mail
 16 here, he wrote that, "Vladimir entertains the idea
 17 of redoing the hallway as per attached drawing."
 18 See that reference?
 19 A. Yeah.
 20 Q. Then if you go to that attached
 21 drawing, you see that's, yet again, a slightly
 22 different configuration of the foyer, correct?
 23 A. Yes.
 24 Q. There's also some Cyrillic writing.
 25 A. It just looks like an old drawing.

1 Corelli
 2 Q. Do you recall getting this particular
 3 drawing?
 4 A. I don't recall.
 5 Q. Okay. So you can't recall, then,
 6 discussing this particular layout of the foyer.
 7 A. I think what this is referring to is
 8 this area of corridor that he wanted to re-look
 9 at. I don't think it has anything to do with the
 10 foyer.
 11 Q. Where it's clouded, correct, on the
 12 drawing?
 13 A. Yeah. I think what he's talking to --
 14 what he was talking about is the master bedroom
 15 hallway here. He wanted to change the lighting.
 16 And he wanted to redo this (indicating). This was
 17 always very awkward.
 18 Q. Because the clouding goes all the way
 19 out into the foyer, correct? In fact it goes all
 20 the way over and captures part of the service
 21 hallway.
 22 A. Yeah. I don't think that was -- I
 23 don't know what that is. But when they say "the
 24 hallway," what he's -- what they are referring to
 25 is the hallway to the master bedroom.

1 Corelli
 2 Q. At the very end of Garry's e-mail, he
 3 says, "Your contact in Italy is Mr. Ceranic."
 4 A. Okay.
 5 Q. Do you know who he is?
 6 A. I don't know.
 7 Q. Or was?
 8 A. It may be the Italians that are
 9 referred to elsewhere that were the cabinetmakers.
 10 And she may have been traveling to Europe and she
 11 may have said she was going to go see the
 12 cabinetmakers on one of her periodic excursions
 13 there.
 14 Q. I show you what was previously marked
 15 as Exhibit 24.
 16 (Handing document to witness.)
 17 A. Okay. Do you want me to keep these in
 18 a pile for you or something --
 19 Q. Just throw them up here. We're
 20 probably not going back to them.
 21 A. Okay. So December 9th.
 22 Q. Do you recognize this?
 23 A. Yes.
 24 Q. Okay. Now, I'll note, you're not
 25 listed as a recipient. But you do recall having

1 Corelli
 2 seen it before?
 3 A. I believe I've seen it before.
 4 Q. There is an e-mail from Garry to
 5 Ms. Deiss advising that, "Philip is the guy who's
 6 done all the retail developments in Moscow," do
 7 you see that?
 8 A. Yes.
 9 Q. And you see below there's an e-mail
 10 from Philip at Libracon, do you see that?
 11 A. I do.
 12 Q. Do you know who Libracon was, as it
 13 relates to this project?
 14 A. I'm sorry, the Libracon -- oh. I
 15 don't.
 16 Q. Had you ever heard the name Libracon
 17 during your involvement in this project?
 18 A. I did not.
 19 Q. Do you recall receiving anything from
 20 Philip at Libracon?
 21 A. I personally did not.
 22 Q. Okay. Did you have things such as
 23 this document which you say you recall having
 24 seen, did you have documents which may have been
 25 forwarded by Philip at Libracon to either

1 Corelli
 2 Ms. Deiss or somebody else in your organization
 3 and then forwarded on to you?
 4 A. Not that I'm aware of.
 5 Q. Were you aware that there was an
 6 interior designer in Italy and/or in Russia that
 7 was making changes or corrections to any of the
 8 three-dimensional models that you were providing?
 9 A. I was not.
 10 Q. Were you aware that there was an
 11 interior designer who may have been making changes
 12 to any of the floor plans that you had developed?
 13 A. I was not.
 14 Q. Okay, you can set that aside. I show
 15 you Exhibit 18 --
 16 (Handing document to witness.)
 17 Q. -- an e-mail of December 10th from
 18 Ms. Deiss to Aaron Boucher, did I pronounce that
 19 correctly?
 20 A. Yes.
 21 Q. He was another one of your employees?
 22 A. That's correct.
 23 Q. Earlier, you indicated that there was
 24 an Italian manufacturer who would be building a
 25 lot of the cabinetry, correct?

1 Corelli
 2 A. That's correct.
 3 Q. In this e-mail, Ms. Deiss appears to
 4 indicate that the Italian manufacturer would be
 5 building all parts of the project except plumbing
 6 and carpentry. Do you have an understanding
 7 what's meant by "carpentry"?
 8 A. I do.
 9 Q. Rough carpentry?
 10 A. Yes. In prep work, you know.
 11 Q. But otherwise, this particular Italian
 12 manufacturer would be doing everything except
 13 lighting, plumbing and rough carpentry, correct?
 14 A. Well, yeah.
 15 Q. Any of the prefabricated stuff, right?
 16 A. Exactly. They are not going to paint
 17 or they are not going to -- I mean, there's --
 18 Q. Were they doing installation, do you
 19 recall?
 20 A. I don't know.
 21 Q. Were they providing any of the stone
 22 where stone was required?
 23 A. I don't know. I mean, typically, a
 24 millworker doesn't, but I, you know...
 25 Q. Okay.

1 Corelli
 2 MR. McKEE: Let's mark this.
 3 EXH (Defendant Exhibit 43, e-mail exchange
 4 dated 12/10/08 between Philip at Libracon
 5 and Ms. Deiss, marked for identification, as
 6 of this date.)
 7 Q. Sir, I'm handing you Exhibit 43,
 8 Defendants' 43.
 9 (Handing document to witness.)
 10 Q. This is an e-mail exchange of December
 11 10th between Philip at Libracon and Ms. Deiss, do
 12 you see that?
 13 A. I do.
 14 Q. And then Ms. Deiss forwarded that on
 15 to your attention, correct?
 16 A. Yeah.
 17 Q. In Philip's --
 18 (Telephone interruption.)
 19 Q. In this e-mail, Philip from Libracon
 20 was referencing Mr. Ceranic in Italy, do you see
 21 that?
 22 A. Yes.
 23 Q. And I'm sorry, I know I asked you this
 24 a few moments ago. Do you recall Mr. Ceranic
 25 being involved in this at all?

1 Corelli
 2 A. No. I didn't know -- I assume that's
 3 the cabinetmaker. I didn't know his name.
 4 Q. Do you have any idea, or do you have
 5 any knowledge as to whether Mr. Ceranic is himself
 6 an architect or not?
 7 A. I have no idea.
 8 EXH (Defendant Exhibit 44, e-mail exchange
 9 between Philip at Libracon and Michaela
 10 Deiss, et al, marked for identification, as
 11 of this date.)
 12 Q. Sir, I've handed you Exhibit D-44 with
 13 today's date. Again, this is an e-mail exchange
 14 between Philip at Libracon and Michaela at Triarch
 15 and others, which was subsequently forwarded by
 16 Ms. Deiss to you, do you see that?
 17 A. I do.
 18 Q. Okay. In the original e-mail, Dejan
 19 Ceranic is listed as one of the recipients. At
 20 any point, when you received any of these e-mails
 21 that were forwarded, did you ever inquire as to
 22 who Dejan Ceranic is?
 23 A. I did not.
 24 Q. And did you ever inquire of anybody,
 25 Garry Braverman or Ms. Deiss, who Philip Vukovic

1 Corelli
 2 was, and why he was involved?
 3 A. No.
 4 Q. In this e-mail, dated December 12th,
 5 Philip Vukovic asks Michaela to "please send us
 6 finals."
 7 See that reference?
 8 A. Yes.
 9 Q. Do you have any understanding of what
 10 Mr. Vukovic was looking for?
 11 A. I do not.
 12 Q. He begins that same e-mail by saying
 13 "I'm sending again the final drawings for hall and
 14 library."
 15 Who prepared the drawings that he's
 16 referencing? Do you know?
 17 A. I don't know.
 18 Q. Okay. So you don't know whether these
 19 are drawings that were prepared at their end or
 20 your end or someplace else? No idea?
 21 A. No idea.
 22 Q. Okay.
 23 A. Okay.
 24 Q. Handing you what was previously marked
 25 as D-27...

1 Corelli
 2 (Witness perusing document.)
 3 A. Okay.
 4 Q. Do you recall ever getting this,
 5 seeing this e-mail exchange before?
 6 A. This particular e-mail, no.
 7 Q. Yes. If you look at the attached
 8 drawing, does that refresh your recollection as to
 9 whether you ever saw this particular e-mail
 10 exchange between Garry Braverman and Ms. Deiss?
 11 A. No, I still didn't see the e-mail, but
 12 I'm familiar with the, I mean, I'm familiar with
 13 what was going on.
 14 Q. Okay. What was going on as it related
 15 to the master bedroom in December of 2008?
 16 A. There was a conversation about the
 17 design of the closets. And Vladimir wanted --
 18 wanted us to come up with an alternative option or
 19 options.
 20 Q. What was it that you had provided
 21 already that he apparently was dissatisfied with,
 22 as it relates to the closets?
 23 A. That I don't know. It was probably
 24 plans or -- I don't know if he had a rendering. I
 25 don't know what she presented.

1 Corelli
 2 Q. When Ms. Deiss met with the clients,
 3 would you always be in attendance?
 4 A. No.
 5 Q. When any formal presentations were
 6 made to the clients, would you be in attendance?
 7 A. Typically. But there would also be
 8 times where they'd go over things in more detail,
 9 and I would leave them to go over that.
 10 EXH (Defendant Exhibit 45, e-mail chain
 11 starting 1/5/09, marked for identification,
 12 as of this date.)
 13 Q. Sir, I've handed you what we've marked
 14 of today's date as D-45.
 15 (Handing document to witness.)
 16 Q. This is an e-mail chain which seems to
 17 start back on January 5, 2009. See that?
 18 A. Okay.
 19 Q. The earliest e-mail on here, the one
 20 January 5, 2009 at 10:46, that was from you to
 21 Garry?
 22 A. Yes.
 23 Q. Okay. You indicated, "We are all
 24 working away on the production of the book for the
 25 apartment."

1 Corelli
 2 What did you mean by that?
 3 A. That was something that they asked us
 4 to prepare, which was basically a -- I mean, you
 5 may have it in your exhibits. It was kind of a,
 6 sort of a larger format presentation that included
 7 renderings, floor plans, material samples, and so
 8 forth that was intended to give Vladimir -- I
 9 believe you have it in your hands -- to give
 10 Vladimir a kind of overview of where we were with
 11 everything, you know, with the expectation that,
 12 you know, we could sort of put a pin in it and,
 13 you know, that would be it. It was -- it was a
 14 kind of a summary of all the work that we had done
 15 until that point, and it was a detailed
 16 presentation of the interior design for the
 17 apartment.
 18 Q. I'm going to hand you what was marked
 19 previously as Defendants' 4. Was that the book
 20 that you were just describing?
 21 (Witness perusing document.)
 22 A. Yeah. Yeah.
 23 Q. And what appeared to be, to a
 24 layperson, appear to be pictures, those are the
 25 three-dimensional renderings?

1 Corelli
 2 A. Yeah.
 3 Q. Okay. And in the same e-mail, January
 4 5, you wrote, after referencing the book, "I still
 5 have an unsettled feeling about our last meeting
 6 and would like to sit down with you at some
 7 point."
 8 What do you mean by that?
 9 A. I'm not sure, but it also goes into
 10 another subject matter which was some real estate
 11 development things that we had been talking about
 12 and it may have been -- it may have actually even
 13 been unrelated to the project. Or it may have
 14 been that we had been frustrated about the process
 15 that we were involved with.
 16 There's also, there was a -- I don't
 17 know --
 18 (Witness confers with counsel.)
 19 MR. MANDEL: He's asking about this
 20 e-mail, so whatever you --
 21 A. There's kind of a back story in all of
 22 this. The people that I met Vladimir through, as
 23 I indicated right at the outset, my father-in-law.
 24 I had asked my wife for a divorce in the middle of
 25 all of this. And there was -- there was a -- kind

1 Corelli
 2 of an awkward dynamic because of the situation
 3 with that.
 4 And, you know, what -- so there was --
 5 there were some things, you know, kind of in the
 6 back -- background that -- um -- were a little
 7 awkward and a little challenging. So it might
 8 have been a reference to that.
 9 Garry and I had also, he had told me
 10 that Vladimir was aggressively looking for things
 11 to do. I think he had sold a business or
 12 something, and we had had some very rudimentary
 13 conversations about him getting involved in some
 14 real estate development opportunity and I'd --
 15 I've organized a dozen or so of those over the
 16 years, and there may have been some -- some
 17 conversation about that as well.
 18 But I'm not -- I don't recall exactly
 19 what that referred to. It could have been -- it
 20 could have been the situation with Julie, it could
 21 have been the fact that the -- the process in
 22 terms of, you know, where we were with the design
 23 had been kind of frustrating for us in terms of
 24 what we were doing, getting feedback from the
 25 client and so forth. I'm not sure.

1 Corelli
 2 Q. You just gave me kind of a great deal
 3 of detail and then you said you're not sure.
 4 A. Well, I don't know -- you had asked
 5 me --
 6 MR. MANDEL: Can I just interrupt for
 7 at one second? It's 1 o'clock. I -- just
 8 want --
 9 MR. McKEE: No, I aborted that call.
 10 Thank you.
 11 A. I said, "I still have an unsettled
 12 feeling about our last meeting and would like to
 13 sit down with you at some point."
 14 I don't know if there was something
 15 with Vladimir that was awkward because of the
 16 divorce. He is also in a very complicated
 17 situation with Lisa and his kid. It was just --
 18 so I don't know if it was something about that, or
 19 it may have been like, "Garry, can I talk to you
 20 about this," or -- I'm not sure.
 21 Q. Did you feel you were not getting
 22 feedback from the client as to what they did or
 23 didn't want in this project?
 24 A. It was kind of a moving target. You
 25 know, he'd want something, be very enthusiastic

1 Corelli
 2 about it, or he would respond very favorably to
 3 something and then show it to somebody else and
 4 get somebody else's opinion, and then we'd have to
 5 talk him through it again.
 6 It was, you know, every client has a
 7 different dynamic. I don't want to say anything
 8 bad about Vladimir. He was also all over the
 9 place.
 10 Q. But the reference in here that, "I
 11 still have an unsettled feeling about our last
 12 meeting and would like to sit down with you at
 13 some point," did that relate specifically to this
 14 project as opposed to some other business venture?
 15 A. No, I think it may have -- also around
 16 this time, my ex-wife told me that, "You can
 17 forget about the Voronchenko project, I'm going to
 18 kill it." So that was probably a little bit in
 19 the back of my mind.
 20 I knew that we had, as Barack Obama
 21 would say, "We are way out ahead of our skis,"
 22 because we had done all this work and they were
 23 turning out to be not as businesslike as we had
 24 sort of assumed, given their apparent -- given his
 25 apparent great wealth.

1 Corelli
 2 And we have a very small office, as
 3 you can probably tell, and I was probably getting
 4 a little worried about, one, what Julie was
 5 saying, the fact that Vladimir couldn't make up
 6 his mind; whatever sort of protection that I might
 7 have because I was, you know, part of this larger
 8 sort of Russian group was very rapidly going down
 9 the toilet.
 10 So, you know, there was -- there was
 11 that as well. So I was a little worried,
 12 probably. I don't know if that's really material
 13 to your concern over here, but that's -- yes.
 14 Q. I'll ask questions about the document.
 15 A. Okay.
 16 Q. And then on one of the subsequent
 17 e-mails, January 7th, you wrote to Braverman, "I'm
 18 confused about the additional renderings for the
 19 master bedroom. I was not aware that we needed
 20 additional views."
 21 Was the client looking for additional
 22 renderings of the master bedroom?
 23 A. I guess. And -- yeah. And it's --
 24 and I probably said, "Look, we don't even need
 25 those." Like you can see in those views, you can

1 Corelli
 2 really get a whole idea of what we were doing.
 3 Q. At this point in time, January 7,
 4 2009, had demolition begun?
 5 A. No.
 6 Q. No work had begun?
 7 A. No.
 8 Q. By working, I mean construction, okay?
 9 No permit had been pulled, no contracts --
 10 A. No, I think the permit -- I think the
 11 permit was already in place, and the idea was that
 12 the drawings that we were developing, your client
 13 was going to amend his DOB drawings, you know,
 14 with the post-approval amendment. So if we
 15 changed the foyer a little bit, or if we made some
 16 plan adjustments, that he could do it as a
 17 post-approval amendment to the currently approved
 18 application.

(Continued on following page.)

1 Corelli
 2 So I thought they already had a
 3 permit. And they have -- the permit was a
 4 Directive 14. It's a permit for very minimal
 5 work. You don't need to get an inspection. It
 6 self-certifies. It's for projects of a very
 7 limited interior scope.
 8 MR. McKEE: I'm not doing my 1 o'clock
 9 call. Our choices are this: I can go
 10 another hour and finish, or we can take a
 11 short break now.
 12 MR. MANDEL: Can we go off the record
 13 for a second?
 14 (Discussion off the record.)
 15 (Luncheon recess: 1:05 p.m.)
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 25

1
 2 AFTERNOON SESSION
 3 (1:31 p.m.)
 4 STEPHEN CORELLI, having been
 5 previously sworn, resumed the stand and
 6 testified further as follows:
 7 EXAMINATION (Cont'd.)
 8 BY MR. McKEE:
 9 Q. Referring you back to Exhibit 4, this
 10 was the presentation book that you had prepared
 11 for a meeting to be held with Mr. Voronchenko.
 12 A. Yes.
 13 Q. Who else was in attendance at that
 14 meeting?
 15 A. When we presented this?
 16 Q. Yes.
 17 A. I think it was me, Michaela, Vladimir,
 18 maybe Garry.
 19 Q. Anybody else from your office?
 20 A. I don't recall. I don't think so.
 21 Q. What was Mr. Voronchenko's reaction to
 22 this presentation, if any?
 23 A. I think he thought it was beautiful.
 24 He loved it.
 25 Q. Okay. Did he compliment you on it?

1 Corelli
 2 A. I'm sure he did.
 3 Q. Did he say anything specific about it?
 4 A. I can't recall.
 5 Q. Okay. Do you recall when that meeting
 6 occurred?
 7 A. I do not.
 8 MR. McKEE: Bear with me a second.
 9 THE WITNESS: Sure.
 10 (A pause in the proceedings.)
 11 Q. I'm going to hand you a copy of
 12 Exhibit 30, because I just can't lay my hand on
 13 it.
 14 A. That's fine.
 15 Q. This is a collection of what Ms. Deiss
 16 identified as meeting notes on diverse dates
 17 between October 14, 2008 and January 20, 2009.
 18 A. Okay.
 19 Q. And do you recognize those documents?
 20 A. Well, I've seen them --
 21 Q. Here, look at counsel's, because I
 22 have some highlights in mine.
 23 A. Okay.
 24 Q. Sorry.
 25 A. That's okay. I'm seeing this for the

1 Corelli
 2 first time.
 3 Q. As a collection?
 4 A. Yes.
 5 Q. Was it the practice of Triarch back in
 6 the 2008-2009 time frame to maintain minutes of
 7 meetings?
 8 A. Yeah. Michaela would keep notes.
 9 These are the kind of things that she does, so
 10 that when we're, you know, after we meet, like, it
 11 will say, you know, take lead paneling out from
 12 door --
 13 Q. Which one are you looking at there?
 14 A. I'm sorry, just -- starting on the
 15 first page?
 16 Q. Yes.
 17 A. Okay. So at the meeting on 1/20/09,
 18 at the job site, with Voronchenko and Garry, I
 19 guess I wasn't there, he wants her to come up with
 20 new ideas for the master bedroom. He wants to see
 21 different ideas around the bed. Stuff like that.
 22 Q. Now, you say you assume you're not
 23 there. The other meeting minutes that follow,
 24 none of them make references to who's there or not
 25 there.

1 Corelli
 2 Now, you're on the second group. Go
 3 back a page.
 4 A. Here?
 5 Q. No, go in two pages from there. One,
 6 two.
 7 A. Okay.
 8 Q. And it says, "For 01/19-01/20
 9 meeting." This particular document, is that a
 10 list of things that need to be prepared for an
 11 upcoming meeting?
 12 A. You really have to ask Michaela.
 13 Q. You're not sure what that is.
 14 A. I'm not sure.
 15 Q. All right. But then looking in the
 16 meeting minutes that follow that --
 17 A. Next one?
 18 Q. Yeah. All the way to the end.
 19 There's no reference to who attended or didn't
 20 attend, is that correct?
 21 A. That's correct.
 22 Q. All right. So now, going back to the
 23 first one that we were looking at, which was dated
 24 1/20/09, at job site with Voronchenko, Garry
 25 Braverman, do you have specific recollection as to

1 Corelli
 2 A. I do.
 3 Q. So as least as of the 20th of January
 4 2009, the owner was still looking for new ideas
 5 for the master bedroom?
 6 A. It would appear to be the case, yeah.
 7 Q. Two below that it says, "Master
 8 bathroom, too lofty. More tasteful."
 9 What, if anything, do you understand
 10 that to mean? "More sophisticated, is not
 11 spectacular enough."
 12 A. He probably -- um -- Vladimir probably
 13 wanted a little bit more kind of flash.
 14 Q. Okay.
 15 A. I think if you look at this, I mean,
 16 you can see the work is fairly, kind of -- he was
 17 probably looking for something a little more, you
 18 know...
 19 Q. Something flashier.
 20 A. Right.
 21 Q. That's what's depicted in Exhibit 4?
 22 A. I don't consider that flashy. Do you
 23 consider that flashy? I don't consider that
 24 flashy.
 25 Q. I'm not a critic. I'm just asking

1 Corelli
 2 not being at that particular meeting?
 3 A. No.
 4 Q. Now, looking at this collection of
 5 meetings, meeting minutes, and you can look at the
 6 summary by date in the front, can you tell me when
 7 the presentation occurred where you presented this
 8 book which has been marked Exhibit 4?
 9 A. Could I tell you which of those
 10 meetings? No, I couldn't. It's towards the end,
 11 I would imagine, but I don't know --
 12 Q. January 14, 19 or 20?
 13 A. It might have even been -- it might
 14 have been earlier. Because in the -- I mean, I'm
 15 speculating at this point. I don't know.
 16 Q. Okay.
 17 MR. MANDEL: Don't speculate.
 18 THE WITNESS: Okay. I'm wasting time.
 19 Q. You just don't remember as you sit
 20 here.
 21 A. I don't remember.
 22 Q. Okay. If you look at the first
 23 meeting minutes in this package, which is dated
 24 1/20/09, "Come up with new ideas for master
 25 bedroom," do you see that?

1 Corelli
 2 questions.
 3 A. Okay. Is the bathroom in there? I
 4 don't think you can see the bathroom. Maybe the
 5 bathroom isn't in that one.
 6 Q. Is it your understanding that there
 7 might be more volumes or a more complete volume
 8 than what you have here?
 9 A. It may not be in that package but I do
 10 recall seeing prospective renderings of the master
 11 bathroom that we talked about, and I didn't see
 12 them in that package. They may have been prepared
 13 subsequent to that and as a result of this. I
 14 don't know.
 15 Q. Okay. You can set that aside. I hand
 16 you what was previously marked as Exhibit 17.
 17 (Handing document to witness.)
 18 Q. Do you recognize that?
 19 A. Yes.
 20 Q. The earlier e-mail is from Aaron
 21 Boucher at Orchid 3D -- Ming at Orchid 3D. They
 22 were a third-party vendor that was doing the
 23 renderings for you?
 24 A. That's correct.
 25 Q. They were out of Philadelphia?

1 Corelli
 2 A. I don't -- I didn't have much to do
 3 with them.
 4 Q. Okay. This lists a number of changes
 5 as of that date, or revisions as of that date, to
 6 the master bathroom and the library.
 7 A. Okay.
 8 Q. Do you agree with that?
 9 A. Yes.
 10 Q. And were these changes made at the
 11 direction of the owner through your offices?
 12 A. I don't know. I mean, I presume so.
 13 I presume that this is part of our design work and
 14 that we're trying to get the perspectives modified
 15 to reflect the evolving design, I guess, or an
 16 aspect of the design.
 17 Q. And earlier in your deposition, you
 18 said that when you first met with Mr. Voronchenko,
 19 you, I'm paraphrasing, you realized that this
 20 project might take a lot of time and effort to get
 21 complete, correct?
 22 A. Um-hum, yes.
 23 Q. And a reason for that would be
 24 because -- well, would a reason -- would a reason
 25 for your initial impression that it would require

1 Corelli
 2 a lot of time and effort be because it would
 3 require a lot of input from the owner to determine
 4 exactly what it was that he wanted?
 5 A. That would be part of it, sure.
 6 Q. What would be the other parts?
 7 A. Just, the actual process of design.
 8 You know, the work, the creative work that we do
 9 to interpret what he is trying to achieve with,
 10 you know, the various options that were available
 11 to us in terms of materials and proportion and
 12 lighting and design. I mean, all the aspects of
 13 what we do.
 14 Q. Is that, in your experience, typical
 15 with interior design work as opposed to
 16 architectural work?
 17 A. Well, it's just part of the design
 18 process.
 19 Q. Okay. Let's look at Exhibit 46 of
 20 today's date.
 21 EXH (Defendant Exhibit 46, e-mail dated
 22 1/12/09 re invoice, not otherwise described,
 23 marked for identification, as of this date.)
 24 (Witness perusing document.)
 25 A. Okay.

1 Corelli
 2 Q. Do you recognize this?
 3 A. I do.
 4 Q. I'm going to direct you back to
 5 Exhibit 35. And Exhibit 35, there are three
 6 invoices, correct?
 7 A. Okay.
 8 Q. Do you agree with that?
 9 A. Yes.
 10 Q. And they are labeled invoice 1,
 11 invoice 2, and invoice 3, correct?
 12 A. Yes.
 13 Q. Okay. And invoice 3 is dated January
 14 9, 2009, correct?
 15 A. That's correct.
 16 Q. And in this e-mail which we've marked
 17 as Exhibit 46, that references an invoice,
 18 correct?
 19 A. There is reference to an invoice in
 20 this January 12th e-mail.
 21 Q. Is this Exhibit 46 referring to your
 22 invoice number 3?
 23 A. I believe so.
 24 Q. And in here, you wrote, "I am
 25 enclosing a current invoice for our work on the

1 Corelli
 2 project." So we already identified the two prior
 3 ones. So there was no other at this point in
 4 time, correct? Other than what we see here as
 5 Exhibit, invoice number 3, correct?
 6 A. That's correct.
 7 Q. Okay. You wrote, "As you will note,
 8 this bill is the lion's share of the overall fee."
 9 What did you mean by that?
 10 A. Well, what I meant by that is, in
 11 terms of the percentage that we were complete, we
 12 were close to, you know, we had 75 percent DDs and
 13 75 percent of CDs, so we were pretty far along.
 14 We had some additional design development work to
 15 do, some construction documents, and then the
 16 bidding and negotiation and construction
 17 administration phases.
 18 But as a percent of the overall job,
 19 we were at a, you know, we were pretty far along.
 20 Q. Okay. And we went through this on an
 21 earlier one. On this particular invoice, you no
 22 longer list schematic design, correct? Schematic
 23 development, schematic design?
 24 A. No, we're past it. Now we're on to
 25 design. Those are prior invoices. Now, this is

1 Corelli
 2 design, development and construction documents.
 3 Q. What does this mean, "75 percent of
 4 design development," and underneath that, "75
 5 percent of construction documents," what does that
 6 mean?
 7 A. The design development phase of it was
 8 75 percent complete and the construction documents
 9 phase of it was 75 percent complete.
 10 Q. Okay. There it is, there are the
 11 meeting notes --
 12 A. Maybe it's my putting them in the
 13 pile --
 14 Q. No.
 15 MR. McKEE: Bear with me a second.
 16 (A pause in the proceedings.)
 17 Q. I direct you back to Exhibit 2, the
 18 contract. Under, "Payments" --
 19 A. Um-hum.
 20 Q. -- is there a any indication in here
 21 as to when invoices would issue as it relates to
 22 each particular phase of the project?
 23 A. I believe that payments are due and
 24 payable monthly.
 25 Q. If you just point that out to me?

1 Corelli
 2 A. Sure. If you look about the middle of
 3 the page, under, or after the reimbursable expense
 4 items, and after, "Or any logistics related
 5 thereto," it says, "Payments are due and payable
 6 upon receipt of the architect's monthly invoice."
 7 Q. So payment was, or billing for your
 8 services wasn't based upon a hundred percent
 9 completion of any particular phase?
 10 A. No.
 11 Q. Do you sometimes bill in that fashion?
 12 A. No, not usually.
 13 Q. Now, this is your third invoice.
 14 Correct?
 15 A. I believe so.
 16 Q. And you were first retained in
 17 September?
 18 A. That's correct.
 19 Q. Okay. Did you issue -- let's see,
 20 your first invoice -- your first invoice issued --
 21 I'm upside down so help me out here --
 22 A. November 3rd.
 23 Q. And is that because you only worked
 24 part of September?
 25 A. No. It's 'cause we should have been

1 Corelli
 2 billing more, and we -- we -- we were probably
 3 just working on the project and then at some
 4 point, we have to send out the bills.
 5 Q. Yes. Okay. And when you issued
 6 invoice number 1, November 3, 2008, was that an
 7 accurate reflection of the work done to date --
 8 A. Yes.
 9 Q. -- that you were billing for?
 10 A. Oh, yeah.
 11 Q. And in that invoice, you didn't put
 12 down a percentage. It just says, "Schematic
 13 design development, 54,000." Is there a reason
 14 you didn't put down a percentage complete?
 15 A. I think we -- we felt that we had more
 16 or less completed schematic design and that's what
 17 we billed.
 18 Q. Okay. Then looking at invoice number
 19 2 -- invoice number 2, which is dated December
 20 8th, correct?
 21 A. That's correct.
 22 Q. And invoice number 2 would begin with,
 23 it says, a hundred percent of schematic design,
 24 you were billing for another \$20,000 for schematic
 25 design?

1 Corelli
 2 A. You know, I don't think so. I'm not
 3 positive, because I didn't do this. I think we
 4 may have received payment on account. I think we
 5 billed this and we got, like, 30,000 here. So I
 6 think -- I mean, I'm not exactly sure what they
 7 did. I think -- it appears to me that somebody
 8 took -- I'm not sure.
 9 Q. Okay.
 10 A. I didn't do this. So I can't
 11 really --
 12 Q. So you can't explain the difference
 13 between invoice 1 and invoice 2 as it relates to
 14 what was being billed for schematic design?
 15 MR. MANDEL: Objection.
 16 You may answer.
 17 A. I'm not entirely sure what the
 18 methodology of what was.
 19 Q. Okay. However, in this invoice number
 20 2, it is indicating that you are now billing for a
 21 hundred percent of schematic design because you're
 22 representing that a hundred percent was done,
 23 correct?
 24 A. That's correct.
 25 Q. And similarly, you're billing for

1 Corelli
 2 fifty percent of design development because you
 3 were representing that fifty percent of that
 4 design development work was done, right?
 5 A. That's correct.
 6 Q. And lastly, twenty percent of
 7 construction documents because at that point in
 8 time, December 8th, you were representing that
 9 twenty percent of construction documents were
 10 complete.
 11 A. That's correct.
 12 Q. And then in invoice number 3, which is
 13 dated January 9, 2009, you were representing that
 14 75 percent of design development and 75 percent of
 15 construction documents were complete.
 16 A. That's correct.
 17 Q. I show you what we've marked as
 18 Exhibit 47.
 19 EXH (Defendant Exhibit 47, construction
 20 cost estimate prepared by M. Deiss, marked
 21 for identification, as of this date.)
 22 (Witness perusing documents.)
 23 Q. Do you recognize this?
 24 A. I mean, I know what it is.
 25 Q. What is it?

1 Corelli
 2 A. It's a construction cost estimate that
 3 was prepared by Michaela in mid January.
 4 Q. And what was this based on, if you
 5 know?
 6 A. I think it was just Michaela's guess
 7 to give a general kind of budget for the scope of
 8 work that existed at that time.
 9 Q. Did you have any input into its
 10 preparation?
 11 A. I did not.
 12 Q. Did she consult with you at all about
 13 it?
 14 A. Um -- you know, I -- I don't recall.
 15 I don't recall.
 16 Q. Okay. Fair enough. Did you have
 17 anybody on staff who you considered to be
 18 particularly adept at doing takeoffs for the
 19 preparation of estimates?
 20 A. Yeah.
 21 Q. Would that be Ms. Deiss?
 22 A. Yeah.
 23 Q. Okay. So if that work needed to be
 24 done on any particular project, she'd be the
 25 go-to?

1 Corelli
 2 A. She's very good at that.
 3 Q. I'm going to hand you what was
 4 previously marked as Exhibit 20.
 5 (Handing document to witness.)
 6 Q. Take a look at that, please.
 7 A. Okay.
 8 Q. Do you recognize that document?
 9 A. Yeah.
 10 Q. And can you tell me what that document
 11 is.
 12 A. This is an e-mail from Michaela to
 13 Julie.
 14 Q. Your former wife?
 15 A. My former wife.
 16 Q. At the time you were separated from
 17 her?
 18 A. I was.
 19 Q. Prior to the Voronchenko project, did
 20 your wife and Ms. Deiss have a cordial
 21 relationship?
 22 A. Yes.
 23 Q. They would socialize without you?
 24 A. Um -- they might have had coffee or
 25 lunch, but not -- I mean, they weren't -- they

1 Corelli
 2 were cordial, they were -- they weren't friends.
 3 I mean, they wouldn't, you know...
 4 Q. I understand. So the answer to my
 5 question would be no?
 6 A. Sorry?
 7 Q. Yes?
 8 A. No.
 9 Q. Okay. But the only reason why Julie
 10 Kofman would be corresponding with your partner
 11 Michaela Deiss regarding this particular job was
 12 because she had some familial involvement in it.
 13 A. Yes.
 14 Q. Okay. Now, Michaela references a
 15 letter from Voronchenko's attorney, yes?
 16 A. Yes.
 17 Q. I'm going to hand you a letter which I
 18 was provided a copy of today, which we've marked
 19 as Exhibit 48 of today's date from Robert G. Wise,
 20 attorney-at-law, dated January 27, 2009, and ask
 21 you if that is the letter which is being
 22 referenced in Ms. Deiss' e-mail.
 23 A. It is.
 24 Q. Had you ever had any prior dealings
 25 with attorney Wise?

1 Corelli
 2 A. No. I don't think we had any
 3 subsequent dealings with him, either.
 4 Q. The letter was sent via e-mail and
 5 certified mail. Did you receive it on or about
 6 January 27?
 7 A. I did.
 8 Q. Did you reach out to either Braverman
 9 or Voronchenko?
 10 A. I don't think so. I think I kind of
 11 knew at that point that the whole situation that,
 12 you know, what Julie said actually -- I realized
 13 it was -- it would have been a waste of time.
 14 Q. Was it your belief that Julie Kofman
 15 had --
 16 A. Torpedoed?
 17 Q. -- Ms. Kofman had somehow interfered
 18 in this project?
 19 A. Um -- yes.
 20 Q. Was it your belief that, prior to that
 21 point in time, everything with Voronchenko and
 22 Medallion and Braverman, that everything was good?
 23 A. Um -- it was a little frustrating
 24 frankly. The process was a little difficult in
 25 terms of their expectations, lack of understanding

1 Corelli
 2 of the process and the protocols. That was a
 3 little frustrating. And Vladimir's decisionmaking
 4 could be somewhat mercurial. That was
 5 frustrating. But with these kinds of residential
 6 projects, that's not uncommon. So I would say
 7 that generally speaking, it was -- some projects
 8 are smoother than others. Sometimes the chemistry
 9 with the clients or the professionalism of the
 10 client on the other side is different.
 11 But I had no -- up until this point,
 12 we had expected that we would actually be building
 13 the project in what was going to be a first-class
 14 undertaking.
 15 Julie had told Michaela that, at a
 16 dinner like around this time, Vladimir had his
 17 book and he was showing it to everybody and was
 18 raving about how beautiful it was. He was very
 19 happy with it. That's what Julie said. I don't
 20 know if that was true, but that's what I was told.
 21 I thought we were going to do a great project for
 22 him. I was really extremely disappointed that it
 23 worked out the way it did.
 24 Q. I'm just going to ask one or two
 25 questions. I'm not going to go very far down this

1 Corelli
 2 line.
 3 A. Okay.
 4 Q. How far before you got this letter did
 5 you tell Ms. Kofman that you wanted a divorce?
 6 A. Before this?
 7 Q. Yes. How long before this letter.
 8 A. You know, we had been in counseling
 9 and we -- and like December, November-December we
 10 were talking about it. I was trying to do it in a
 11 very amicable way. I didn't, you know, our
 12 relationship had evolved. It was, you know, we
 13 weren't throwing stuff at each other and fighting
 14 or anything. It was just like, "Julie, this isn't
 15 working out, I don't think either of us are happy,
 16 we need to move on," and I said, "I'll help you to
 17 get an apartment," which --
 18 MR. MANDEL: The specific question
 19 related to time. He's specifically not
 20 trying to get into -- the question was --
 21 A. Like in November-December.
 22 MR. McKEE: Off the record.
 23 (Discussion off the record.)
 24 Q. I show you Exhibit 21.
 25 A. Okay.

1 Corelli
 2 Q. Do you recognize this document?
 3 A. Uh -- yeah.
 4 Q. And a moment ago you were indicating
 5 that your understanding was that Voronchenko had
 6 been showing the book around at a dinner party and
 7 that everybody seemed pleased?
 8 A. Yeah.
 9 Q. Does the start of this e-mail
 10 correspond with that general recollection?
 11 A. Yes, it does. Yes.
 12 Q. So your now ex-wife, she had a cousin
 13 in Moscow who worked directly with Voronchenko?
 14 A. Yes.
 15 Q. That's what that references? "Worked
 16 directly underneath him," the "him" would be
 17 Voronchenko, as you understand it?
 18 A. Yes.
 19 Q. And the reference to "dinner party for
 20 his wife only two weeks ago," "His" would be, to
 21 your understanding, Voronchenko?
 22 A. Yes.
 23 Q. Did you ever, other than a threat from
 24 your now ex-wife to somehow scuttle this project
 25 for you, did she ever confirm after the fact that

1 Corelli
 2 she ever interceded in a way designed to have the
 3 relationship end, the contractual relationship
 4 end?
 5 A. I think when I confronted her about
 6 it, she just said in a moment when she was upset,
 7 and she didn't -- you know, she never followed
 8 through on it or something. And to Michaela, she
 9 just denied everything. She said "I didn't try to
 10 scuttle the project, I would never do that," etc.
 11 etc.
 12 Q. I show you Exhibit 23.
 13 (Handing document to witness.)
 14 Q. Do you recognize this e-mail?
 15 A. Yes.
 16 Q. And in this e-mail there's reference
 17 to panels which Mr. Voronchenko had bought. See
 18 that?
 19 A. Yes.
 20 Q. Were those the LaLique panels?
 21 A. Apparently.
 22 Q. And did Mr. Voronchenko purchase other
 23 materials or samples of materials that he wanted
 24 incorporated into the project?
 25 A. I believe he bought a large TV that he

1 Corelli
 2 wanted incorporated in the living room.
 3 Q. Did he provide to you any fabrics,
 4 materials, woods, anything of that nature that he
 5 wanted incorporated into the project?
 6 A. No. I mean, we showed him samples of
 7 things to get his feedback that we could
 8 incorporate it. We also showed him decorative
 9 material like for the dining room, you know, stone
 10 samples, metal samples. I think there was some
 11 alabaster in the foyer. I mean, a lot of -- we
 12 usually would -- we'd typically show him stuff.
 13 He also sent us some samples of some
 14 furniture that either owned or was buying. There
 15 was a little bit of give-and-take with that, you
 16 know, with that kind of stuff.
 17 Q. Let me show you Exhibit 28.
 18 (Handing document to witness.)
 19 A. Okay.
 20 Q. This is a document designated as
 21 invoice number 4. Do you agree with that?
 22 A. Yes.
 23 Q. This issued after the letter from
 24 attorney Wise terminating the relationship,
 25 correct?

1 Corelli
 2 A. Yes.
 3 Q. Okay. In this invoice, there's a
 4 construction budget of \$1.2 million. That the
 5 what we saw reflected in that exhibit a few
 6 moments ago, correct?
 7 A. Yes. Actually, I think there was a
 8 little more.
 9 Q. And was there a reason why you were
 10 including an estimated budget of \$1.2 million in
 11 this invoice?
 12 A. Yes.
 13 Q. And was there a reason why you didn't
 14 include such a projected cost in any of your
 15 earlier invoices?
 16 A. Because we didn't, at that -- earlier
 17 on in the project, we didn't know what the final
 18 construction cost was going to be. That's typical
 19 in all of our projects.
 20 Usually what happens at the end of a
 21 project is, when the construction contract is
 22 awarded, we are able to identify exactly what the
 23 construction cost will be. But even through the
 24 actual construction, often there are change orders
 25 or additions to the scope of the work, and our

1 Corelli
 2 fees are adjusted professionally based on our
 3 contract.
 4 So on those earlier invoices, we were
 5 working off kind of generalized estimates. But
 6 when we were terminated, we were -- we just billed
 7 them for the work that we had done on the scope of
 8 the project that we had done until that point.
 9 Q. Okay. So for example, refer to
 10 invoice number 2 --
 11 A. Okay.
 12 Q. -- as we look also at Exhibit 28,
 13 which is invoice number 4. In invoice number 2,
 14 you were billing a hundred percent of schematic
 15 design and you were looking for what, you were
 16 looking for \$20,400 at the time, correct?
 17 A. I guess.
 18 Q. But in your final bill, you're looking
 19 for \$30,600, correct?
 20 A. That's correct.
 21 Q. So \$30,600 represents 15 percent of
 22 that total fee of 204,000 that you were looking to
 23 charge?
 24 A. Yes. If you do the math, it would
 25 appear that this is based on an \$800,000

1 Corelli
 2 construction budget and this is based on a million
 3 two.
 4 Q. So how did you first come up with
 5 800,000 as being the basis for your initial
 6 invoices?
 7 MR. MANDEL: Objection.
 8 You may answer.
 9 A. It was completely arbitrary. You
 10 know, we looked at it, we said, you know, what's
 11 the least this is going to cost for what he's
 12 talking about. It certainly, you know, it's not
 13 going to cost less than -- we may have even just
 14 done a kind of a per-square-foot construction
 15 costs to establish a base. And then as the
 16 project evolved, we would see, you know, what it
 17 was going to be.
 18 Q. Okay. So now, look at invoice number
 19 4. In this last invoice, you were looking to
 20 collect a hundred percent of schematic design fee?
 21 A. Yes.
 22 Q. And that's because when you issued
 23 this bill, just as you had in earlier invoices,
 24 schematic design was, in your view, completed?
 25 A. That's correct.

1 Corelli
 2 Q. And you were looking to collect 90
 3 percent of your design development fee, correct?
 4 A. Correct.
 5 Q. And that's because at the time you
 6 issued invoice number 4, you took the position
 7 that you had completed 90 percent of that work?
 8 A. For the design development? Yes.
 9 Q. And similarly, you took the position
 10 that Triarch had completed 85 percent of
 11 construction documents at that time?
 12 A. That's correct. By the way, that's a
 13 typo, that should be 40 percent, not 90 percent.
 14 Q. Which one are you looking at?
 15 A. It says completed 85 percent of the
 16 construction documents, 90 percent of fee, that
 17 should be 40 percent of fee.
 18 Q. Because that's what's provided in the
 19 contract.
 20 A. Exactly.
 21 Q. Do you consider this to be an accurate
 22 statement of the status of completion of your work
 23 at the time that this invoice issued?
 24 A. We probably had done a little bit more
 25 than we actually billed. 'Cause I mean, the CDs

1 Corelli
 2 were, you know, the CDs were pretty much done.
 3 And if the CDs are done, is there's not really
 4 anything in design. I mean, the problem with this
 5 is, we do the construction documents and then
 6 Vladimir would kind of revisit some design issues.
 7 So it was -- but yeah, we were at least this far
 8 along, maybe a little bit further.
 9 Q. Put this aside.
 10 A. Okay.
 11 MR. ISRAEL: Are you done?
 12 MR. McKEE: No.
 13 EXH (Defendant Exhibit 49, collection of
 14 documents with cover sheet headed,
 15 "Presentation October 26, 2008", marked for
 16 identification, as of this date.)
 17 Q. Sir, I'm going to hand you what we've
 18 marked for today's date as Exhibit 49. This, as
 19 with all the documents I've been showing you
 20 today, came from Triarch's document production.
 21 (Handing document to witness.)
 22 A. Okay.
 23 Q. I ask you if you recognize this
 24 collection of documents which comes under cover of
 25 a sheet that says, "Presentation October 26,

1 Corelli
 2 2008."
 3 A. Okay.
 4 Q. Do you recognize that?
 5 A. Yes, I do.
 6 Q. What would you consider these drawings
 7 to be?
 8 A. These are interior elevations.
 9 Q. Yes?
 10 A. The other, just, interior elevations
 11 and a floor plan of a variety of different rooms
 12 and areas in the apartment.
 13 Q. Is this schematic or design
 14 development?
 15 A. I would say these are probably design
 16 development. But these are also -- these are
 17 presentation drawings, so when you -- when you
 18 print these, you take off certain layers.
 19 So for example, you know, this drawing
 20 in the AutoCAD file could have dimensions or could
 21 have notes or things like that. But for the
 22 purposes of a presentation to a client, you want a
 23 clean document that shows the design intent
 24 without a lot of the other details. Here they
 25 have some -- some things that are actually on the

1 Corelli
 2 drawing.
 3 Q. When you say "some things," what are
 4 you talking about?
 5 A. Well, like notes, for example, or
 6 dimensions. But these drawings, you know, fairly
 7 precise in terms of, you know what the design
 8 intent is, what the door is, the framing, the, you
 9 know...
 10 Q. Okay. But was there a presentation
 11 given to the clients on or about October 26, 2008.
 12 A. Yeah, if Michaela prepared that, I
 13 would assume so.
 14 Q. Let me show you what's been marked as
 15 Exhibit 50. It's under cover of a sheet that
 16 says, "Presentation, November 30, 2008."
 17 EXH (Defendant Exhibit 50, set of
 18 presentation documents with cover sheet
 19 headed, "Presentation, November 30, 2008",
 20 marked for identification, as of this date.)
 21 Q. Do you recognize that?
 22 A. Yeah.
 23 Q. And would you tell me what that is?
 24 A. This is more detailed drawings. I
 25 mean, this is starting to be like construction

1 Corelli
 2 documents. I mean, these become the base drawings
 3 for the CDs. Yeah, just more of the...
 4 Q. Do the construction documents
 5 ultimately have to be filed with the Department of
 6 Buildings?
 7 MR. MANDEL: Objection.
 8 You may answer.
 9 A. Some do, some don't.
 10 Q. Let me show you another set. This is
 11 marked as Exhibit 51. It's under a cover that
 12 says, "Presentation files" from January 14, 2009.
 13 EXH (Defendant Exhibit 51, set of
 14 documents with cover sheet headed,
 15 "Presentation Files," 1/14/09, marked for
 16 identification, as of this date.)
 17 (Witness perusing document.)
 18 Q. Do you recognize this grouping of --
 19 A. Yeah.
 20 Q. -- documents?
 21 A. I do.
 22 Q. And the third page in, there's the
 23 depiction of the bathroom, master bathroom?
 24 A. Yes. This is the one that was too
 25 loft-like.

1 Corelli
 2 Q. The too --
 3 A. Remember when I had the conversation
 4 before about the bathroom?
 5 Q. Yes.
 6 A. Yeah, these are just details of
 7 various, you know...
 8 Q. Were the materials we're looking at
 9 here in this exhibit presented along with the
 10 book, Exhibit 4, that we were looking at earlier?
 11 A. This?
 12 Q. Yes.
 13 A. Yeah, I believe -- I think the book
 14 was something for, a take-away. I think the
 15 presentation was separate and then the book was a
 16 kind of a, you know, you put it all together. We
 17 probably had everything like pinned up in the
 18 conference room so that we could look at it all,
 19 kind of, together.
 20 Q. Where was that meeting held, the
 21 presentation?
 22 A. In our office.
 23 Q. Yes.
 24 A. I did a lot of work on this thing.
 25 All right, so...

1 Corelli
 2 Q. I hand you what was previously marked
 3 as Exhibit 7.
 4 (Handing document to witness.)
 5 Q. It is a series of drawings which all
 6 appear to bear a date of December 23, 2008 --
 7 A. Okay.
 8 Q. -- entitled, "Preliminary issue set."
 9 A. Okay.
 10 MR. MANDEL: Can I get the question
 11 read back?
 12 MR. McKEE: I didn't ask him one. I
 13 just identified it.
 14 THE WITNESS: Beautiful set of
 15 documents.
 16 Q. Do you recognize these drawings?
 17 A. I do.
 18 Q. Now, they are all, the full set is
 19 dated December 23, 2008. Was a set issued
 20 subsequent to this, to your recollection, a
 21 complete set?
 22 A. I don't -- you have to ask Michaela.
 23 Q. Okay. So she would know better than
 24 you.
 25 A. Probably, yes.

1 Corelli
 2 Q. Now, when a final construction set of
 3 drawings issues, under your scope of work, would
 4 you sign or stamp or seal the drawings?
 5 A. We're not filing them -- I mean, we
 6 weren't filing them so we wouldn't be stamping
 7 them.
 8 Q. So only the architect of record stamps
 9 or seals drawings?
 10 A. Well, the reason for the seal is to
 11 verify to the applicable authority that you're
 12 licensed to file the drawings. Some of these
 13 didn't print very well, because of the line --
 14 Q. The what?
 15 A. -- they actually didn't print very
 16 well -- it's just a printing thing. When they put
 17 it in the printer, they should have put it in a
 18 little differently. A beautiful set of drawings.
 19 Q. Now, were any portions of what we're
 20 looking at here intended to be incorporated into
 21 anything, any set of drawings which would be filed
 22 with the DOB?
 23 MR. MANDEL: Objection.
 24 You can answer.
 25 A. No, not really. The stuff that -- you

1 Corelli
 2 can see by all of this work, the stuff that is
 3 filed with the DOB is almost a diagram, as you
 4 probably know. There are notes on it that -- but,
 5 you know, the DOB drawings would probably be
 6 one -- a couple or maybe three sheets. Zoning
 7 calcs, things like that.
 8 But you don't, like -- all this
 9 detail, all this design work that we did, you
 10 know, page after page, like this stuff, DOB
 11 doesn't care about that. They are basically
 12 looking for information that demonstrates that
 13 you're in compliance with applicable code.
 14 You know, whether or not your door is
 15 made out of mahogany or walnut or you have --
 16 that's not part of what they are looking at.
 17 Q. Does the method of constructing, say,
 18 a ceiling in a particular room, does that matter
 19 to the DOB?
 20 A. Yes, of course.
 21 Q. Does the location of doors matter to
 22 the DOB?
 23 A. Yes.
 24 Q. Do partition walls matter to the DOB?
 25 A. They do. But all of those things can

1 Corelli
 2 be shown on a plan fairly diagrammatically.
 3 Q. Do materials matter to the DOB, for
 4 example, doors between rooms?
 5 A. It depends.
 6 Q. On what?
 7 A. Whether or not they are rated doors,
 8 whether or not they are egress doors.
 9 Q. When you say "egress," you're talking
 10 about out of the space into --
 11 A. A fair -- a rated fire exit, means of
 12 egress.
 13 Q. What about internal doors?
 14 A. They could be if there's a Local
 15 Law 58 issue, is if there's a handicap access
 16 issue or something like that.
 17 Q. Do you know if there was an issue,
 18 whether either of those two things were applicable
 19 on this project?
 20 A. They could have been. And if we gave
 21 our design drawings to the executive architect to
 22 do the DOB filings, he would have, you know, put
 23 the appropriate notes for like the doors swing and
 24 the Local Law 58 notes, for the DOB's review.
 25 Q. Do you know whether the condo board

1 Corelli
 2 required a refiling of plans associated with this
 3 project?
 4 A. I do not. And early on, you'll recall
 5 today, one of the first things I mentioned when I
 6 was corresponding with Garry Braverman was, I made
 7 comments about the alteration agreement. I don't
 8 recall what the alteration agreement provided.
 9 But I think there were some concerns I had about
 10 some aspects of the alteration agreement in terms
 11 of what, you know, what had to happen there.
 12 They were definitely concerned about
 13 wanting to -- and felt that if we worked within a
 14 limited scope, that we would be able to undertake
 15 this work by just amending what had been
 16 previously approved, both with the condo board, I
 17 assume, and with the Department of Buildings.
 18 Q. I showed you a set of plans which were
 19 submitted and approved by the DOB in June of 2008.
 20 Do you recall seeing those?
 21 A. I do.
 22 Q. I mean, you recall me showing them to
 23 you --
 24 A. I do.
 25 Q. And if I recall correctly, you don't

1 Corelli
 2 recall ever seeing them before you started your
 3 work.
 4 A. I'm not saying that I didn't. I just
 5 don't remember. I don't remember those specific
 6 plans. I did get something from the client. I
 7 just don't remember exactly what its form was.
 8 Q. Well, let me just go back to this for
 9 a moment.
 10 A. Sure.
 11 Q. "This" being Exhibit 1. Sheet 2.
 12 A. Trying to do a comparison --
 13 Q. No, no. We will, but not with this
 14 one. Directing you to sheet 2 on Exhibit 1 --
 15 A. Okay.
 16 Q. -- I showed this to you earlier,
 17 right? Do you recall that?
 18 A. Yes.
 19 Q. Okay. Now, I also showed you three
 20 sheets that I pulled out of Triarch's file.
 21 A. Okay.
 22 Q. Put it down below, I guess. Let's
 23 see --
 24 A. You want to turn it around to match
 25 this one? If you rotate them they will match this

1 Corelli
 2 one.
 3 Q. I'm trying to decide which one to give
 4 you. I think I'll give you, only because there's
 5 no handwriting on it -- if I give you Exhibit 5B,
 6 which I pulled out of a large collection of
 7 quarter-sized sheets --
 8 A. Um-hum.
 9 Q. -- from Triarch. You weren't sure if
 10 you'd seen this before or not. Do you recall?
 11 A. Yeah, I don't. I mean, I --
 12 Q. Now, what you -- you do recall, you,
 13 Triarch, were given something --
 14 A. Yes.
 15 Q. -- from Garth Hayden showing the basic
 16 layout of what had been submitted to the co-op
 17 board, correct?
 18 A. Condo board.
 19 Q. Condo board.
 20 A. I -- yes.
 21 Q. Now, comparing Exhibit 5B to sheet A-2
 22 of Exhibit 1, looking at the two together, does it
 23 refresh your recollection at all as to whether you
 24 were given a full-sized sheet or sheets from Garth
 25 Hayden when you started your work?

1 Corelli
 2 A. No.
 3 Q. Do you recognize this Exhibit 5B as
 4 bearing some strong similarities to what we see on
 5 Hayden's drawing A-2?
 6 A. Yeah. I'll say yes, it looks -- it
 7 looks similar in some respects. I mean, these
 8 doors aren't here --
 9 Q. These doors between the living and
 10 dining room?
 11 A. Yeah, aren't there. There's some
 12 closet things here. I mean, yeah, there are some
 13 things that are -- um -- there are some things
 14 that are similar.
 15 Q. Okay. During your involvement on the
 16 project, you, Triarch, did you have any direct
 17 correspondence, letters, faxes, transmittals, with
 18 Garth Hayden? Are you aware of any?
 19 A. I'm not aware of any at all. He was
 20 always -- I'm not aware of any -- which is very
 21 unusual.
 22 Q. Okay. How about any phone
 23 conversations, did you --
 24 A. I personally never spoke to the guy.
 25 Q. Were you ever told by your partner,

1 Corelli
 2 Ms. Deiss, that she ever spoke to him?
 3 A. I don't she ever spoke -- no.
 4 Q. Were you ever told by anybody on your
 5 staff that they ever spoke with this guy?
 6 A. I don't think so.
 7 Q. You started to say this was unusual.
 8 A. Yeah. Tell you the truth, I didn't --
 9 because he had had so many different people
 10 working, like I just referred to those -- I didn't
 11 know if like he had fired the guy or Vladimir had
 12 fired him or didn't pay him or I didn't know what
 13 was going on. But he said, this was like -- it
 14 was more like just, focus on your stuff, and we
 15 have that -- you know, you don't need to worry
 16 about that.
 17 Q. At any point, did Voronchenko or
 18 Mr. Braverman indicate you were going to become
 19 the architect of record?
 20 A. Um-um.
 21 Q. Did he ever speak to you about
 22 becoming the architect of record?
 23 A. No. Because he didn't want -- he
 24 was -- I think he was -- he wanted to preserve the
 25 approvals that they had in place. And he was even

1 Corelli
 2 willing to compromise the quality, which I thought
 3 was crazy, because we would have been able to get
 4 the approvals, he wanted to -- like, the first
 5 design stuff that I did would have materially
 6 improved the quality of the project. I mean, it
 7 would have been a much, much better design.
 8 He didn't want to go through that
 9 process again because he already had something
 10 approved that he wanted us to stick within. So we
 11 had to stick within those design constraints.
 12 Q. Now I'm going to direct you to
 13 Exhibit 8. Which is stamped, "Amended plan, a
 14 accepted for permit August 10, 2009," and again
 15 with the perforations and the bar codes.
 16 Have you ever seen this set of
 17 drawings from Garth Hayden, sheets A-1 through
 18 A-5?
 19 A. I think -- I think we may have had
 20 these in the office but I actually didn't review
 21 them.
 22 Q. These postdate your termination on the
 23 project, correct?
 24 A. They do.
 25 Q. All right. So during the project, you

1 Corelli
 2 Q. Quarter size?
 3 A. Yeah.
 4 Q. How many sheets in total did you see?
 5 A. I don't remember.
 6 Q. Who procured those sheets?
 7 A. I'm not sure. Maybe the attorney? I
 8 don't know.
 9 Q. Do you know whether they were obtained
 10 from the Department of Buildings?
 11 A. I don't.
 12 Q. So you don't know whether they came
 13 from the Department of Buildings or the condo
 14 board or --
 15 A. I don't know.
 16 Q. Did you ever go through any of Garth
 17 Hayden's plans and compare them to your own set?
 18 A. No.
 19 Q. Did you leave that to Ms. Deiss?
 20 A. I did.
 21 Q. You are the senior partner in the
 22 firm, correct?
 23 A. Not according to her.
 24 Q. By ownership interest, you --
 25 A. We're -- we're -- we're equal. I mean

1 Corelli
 2 obviously never had these drawings, correct?
 3 During your involvement with the project?
 4 A. Well, according to this, they didn't
 5 exist.
 6 Q. When was the first time you ever saw
 7 these, whether you reviewed them in detail or not?
 8 A. Well, I didn't see them -- can I go
 9 through them?
 10 Q. Please.
 11 A. I don't know if these are the same
 12 drawings. I saw some drawings in my office that
 13 Michaela and somebody else had gone through to
 14 basically analyze how much of our work had been
 15 imported into these drawings, how much of it had
 16 been copied.
 17 So, like, there were things, and there
 18 was stuff that said, you know, this is our, this
 19 is what we did here, this is what we did here,
 20 there's been a little bit of a change here, and
 21 all those things were highlighted.
 22 Q. Were they full-sized sheets like we're
 23 looking at here?
 24 A. No, I think they were smaller. I
 25 think they were working off smaller format things.

1 Corelli
 2 it's, just as a practical matter, we kind of
 3 divide things up according to, you know, I mean,
 4 we're, in spirit we're partners. So if there's
 5 something that involves this level of detail that
 6 she was intimately involved with, she would be
 7 doing the review, not me.
 8 Q. Now, Triarch Architectural Services,
 9 P.C., sued Medallion, Voronchenko and Garth
 10 Hayden.
 11 A. Okay.
 12 Q. Do you agree with that? I'm showing
 13 you Exhibit 35. I think that's 35. I'm showing
 14 you Exhibit 35.
 15 A. Yes.
 16 Q. And the caption is entitled, "Triarch
 17 Architectural Services, P.C.," do you agree with
 18 that?
 19 A. Yes.
 20 Q. Now, the contract in this matter was
 21 between Triarch, Inc., and Medallion, Inc.,
 22 correct?
 23 A. Yes.
 24 Q. Is there a reason why Triarch, Inc.,
 25 didn't sue?

1 Corelli
 2 MR. MANDEL: Objection. To the extent
 3 the reasoning was revealed to you by your
 4 lawyer, you know, you shouldn't disclose it.
 5 If you have some understanding or opinion of
 6 that issue that was obtained separate from
 7 your lawyer, you can go ahead and answer.
 8 A. Yeah, I'm not an attorney. I don't --
 9 you know, I -- I can't really comment on that
 10 'cause I didn't really do this. You know, we met
 11 with the attorney, we explained what was
 12 happening, we gave them the documents and evidence
 13 and...
 14 Q. Now, it's alleged in the complaint
 15 that --
 16 MR. McKEE: -- bear with me a second.
 17 (A pause in the proceedings.)
 18 Q. It's alleged that Triarch tendered
 19 applications to register its architectural work
 20 with the Copyright Office.
 21 A. Okay.
 22 Q. Okay? In whose name, to your
 23 understanding, was the copyright procured?
 24 A. I don't know.
 25 Q. Okay. Is it your allegation as a

1 Corelli
 2 representative, a principal of Triarch, Triarch,
 3 Inc., or Triarch in the global sense, that this
 4 set of plans, these five sheets, marked Exhibit 8,
 5 in any way infringes upon the copyright of
 6 Triarch?
 7 MR. MANDEL: Objection.
 8 You may answer.
 9 A. Well, in order to do that, I'd have to
 10 know what constitutes copyright infringement. I
 11 don't presume to do that, because I'm just an
 12 architect. But what I will tell you is that
 13 whoever did these drawings took a substantial
 14 amount of the work that we did and incorporated
 15 them into their drawings.
 16 Q. Well, what I'd like to you do as an
 17 architect, as the -- are you the sole member of
 18 Triarch Architectural Services, P.C.? The P.C.,
 19 are you the sole member?
 20 A. What do you mean by "sole member"?
 21 Q. Well, I think you indicated that
 22 you're the only --
 23 A. I'm the only licensed architect in --
 24 yeah, you could -- okay.
 25 Q. And your name, at least in part,

1 Corelli
 2 Triarch, is on this set of plans, correct?
 3 Actually, it's not. You never put your name on
 4 here, did you?
 5 MR. MANDEL: Objection.
 6 You may answer.
 7 A. Was I supposed to?
 8 Q. I'm asking, did your name appear?
 9 A. No.
 10 Q. Your initials appear, I see. You
 11 reviewed these plans?
 12 A. It wasn't Sidney Cohen. Yeah.
 13 Q. SC is you, correct?
 14 A. Yes, it is.
 15 Q. So it was drafted by others but then
 16 you reviewed it. And I think your initials appear
 17 on each sheet, correct? SC? I'll represent that
 18 it does.
 19 A. Okay.
 20 Q. But you can satisfy yourself by
 21 looking at it.
 22 A. No, I'm just trying to answer your
 23 question.
 24 Q. So you know these plans.
 25 A. Sure.

1 Corelli
 2 Q. What I like you to do -- well, do you
 3 consider these plans to be your work product,
 4 Triarch's work product?
 5 A. This is Triarch's work product, yes.
 6 Q. I'd like to you look at this set of
 7 plans, which is what is on file with the DOB, and
 8 I think against which permits may have been drawn,
 9 I'd like you to compare these plans with your
 10 plans and tell me all instances where you think
 11 that there has been any copying of your work into
 12 Garth Hayden's work.
 13 A. Okay.
 14 MR. MANDEL: Objection.
 15 To the extent you can answer, you
 16 should do so.
 17 A. Yeah, I'll try. I think Michaela was
 18 really putting this stuff together and doing the
 19 comparisons much more than me. But I'll give it a
 20 whirl.
 21 Q. We already --
 22 A. You went through this with her?
 23 Q. Sure.
 24 A. And I'm sure she will demonstrate that
 25 she'll do a better job than me. As I said before,

1 Corelli
 2 the plans are somewhat diagrammatic, so I think it
 3 would probably be the most --
 4 Q. Well, I'd like to you take -- this is
 5 probably the last area of questions I have.
 6 A. Okay.
 7 Q. So I'd like to you take your time and
 8 go through each sheet beginning with sheet A-1 --
 9 A. Okay.
 10 Q. -- and you tell me if there are any
 11 instances on sheet A-1 where you feel our plans
 12 were based upon your work.
 13 A. Okay.
 14 MR. MANDEL: Same objection.
 15 Q. All right. So now you've turned to
 16 your sheet A-1.
 17 A. Okay. So let's just start with the
 18 entrance sequence. We have the foyer here.
 19 Q. This is the existing conditions and
 20 demolition, correct?
 21 A. Yeah.
 22 Q. So now you've shifted to sheet A-2 on
 23 the Garth Hayden set.
 24 A. Okay.
 25 Q. Yes.

1 Corelli
 2 A. So in this, in the foyer, the -- the
 3 design of the foyer is different inasmuch as the
 4 corridor has been incorporated in the foyer and
 5 ours doesn't have it. It has a pair of doors to
 6 the dining room, which is what we designed, and it
 7 has a soffit in the dining room as we designed,
 8 and also throws out the wall around the window in
 9 the way we designed.
 10 The living room looks to be the same.
 11 Same soffit. The library configuration looks the
 12 same. We have the cabinetry, but they don't have
 13 the cabinetry indicated. The closets look the
 14 same. The vestibule here looks like they added
 15 the door. The closets -- the closets are the
 16 same. The soffits in the master bedroom are the
 17 same. It would appear that the bath looks the
 18 same. The two closets in front of the master
 19 bedroom appear to be the same.
 20 I would say it's -- there's a closet
 21 here that's been added. I would say it's the same
 22 except for the elimination of a hallway when you
 23 just get off the elevator.
 24 Q. Before we leave that sheet, let's go
 25 back to Garth Hayden's first set of plans.

1 Corelli
 2 A. Okay.
 3 Q. And look at sheet A-2 there.
 4 Now, Hayden's original plans, which
 5 predate your contract, they show double doors
 6 coming into the dining room, correct?
 7 A. Actually, could I do the same thing I
 8 did before, just apples to apples?
 9 Q. Sure.
 10 A. Okay. So let's start with the dining
 11 room. So we can do all three. I don't want to
 12 knock anybody's water over here.
 13 Okay. So I'm just going to start on
 14 this side and then work over. So in our original
 15 drawings, and in the ones that are -- were done
 16 for the DOB amendment that are based on our
 17 drawings, I allege, there's a soffit here and a
 18 pair of doors. The --
 19 Q. We already did this.
 20 A. No, no. I know that. But what I want
 21 to point out is that in the dining room, that does
 22 not exist. You don't have the soffit, you don't
 23 have any of the diagrammatic things that you will
 24 see in the plan that you will subsequently see in
 25 the elevation drawings to document our design.

1 Corelli
 2 The living room, this is basically
 3 just what existed. In our drawing, and in the
 4 drawing that was prepared on the basis of our
 5 drawings, you can see that there's a soffit that's
 6 been added, the pocket doors are the same, the
 7 pocket doors are the same.
 8 Q. They have pocket doors in --
 9 A. It's the same, that's --
 10 Q. I just need the record to read
 11 clearly.
 12 A. The master bedroom, again, the soffit
 13 in the master bedroom, the changes to the closet
 14 area here are different.
 15 Q. So Hayden's original design called for
 16 wall closets, yes?
 17 A. That's correct.
 18 Q. Okay. It also called for
 19 reconfiguring the closets by the bathroom entry,
 20 correct?
 21 A. Um -- yeah, but it's different from
 22 what we did. What he did on this one is, he added
 23 our, what we did to his. But the other thing,
 24 too, about this is, what we're talking about at
 25 this level of design isn't the issue. The issue

1 Corelli
 2 really is, because this is almost diagrammatic.
 3 You're not going to see that much difference.
 4 What we did was basically take this limited
 5 diagrammatic scope and do all that design work.
 6 So for example, the design of this
 7 room, the design of this room, the detailing of
 8 the doors, all the materials, that's what we're
 9 talking about. That's the material that we did on
 10 our drawings that are then added to these newer
 11 drawings that didn't exist before.
 12 Like all this is based on our work.
 13 Q. Referring to sheet A-4.
 14 A. Well, A-4, you know, A-5, I mean, this
 15 is like versions --
 16 Q. Sheet A-4 and A-5?
 17 A. -- versions of our, even the details
 18 of the soffits and the materials and the -- I
 19 mean...
 20 Q. Now, before we get into the two sheets
 21 of elevations, I just wanted to be clear as to
 22 what the scope on the earlier sheets, the plan
 23 sheets were, where you allege that there's some
 24 form of direct copying by Mr. Hayden. But you're
 25 saying that the real copying occurs on sheets A-4

1 Corelli
 2 didn't even know that we'd been fired. I never
 3 met him. So he took his stuff, our stuff, and put
 4 it in his drawings.
 5 Q. Now, did you send, after you got that
 6 letter from attorney Wise, did you send a notice
 7 to Voronchenko or any of his intermediaries
 8 regarding your termination and subsequent use of
 9 your drawings?
 10 A. I don't believe so. I think we
 11 contacted an attorney -- well, first, we sent him
 12 a bill, and then we -- we didn't get paid, I think
 13 we went to seek a lawyer.
 14 Q. Is that Zetlin DiChiara?
 15 A. Carol Patterson.
 16 Q. Did you or anybody else at Triarch
 17 ever reach out to the architect of record in
 18 writing and inform him that you had been
 19 terminated?
 20 A. I -- I don't know. Maybe they did. I
 21 don't know what they do as a course of -- I
 22 didn't.
 23 Q. You didn't. And are you aware of
 24 anyone within Triarch having done so?
 25 A. I'm not.

1 Corelli
 2 and A-5?
 3 A. Most of our design work did not have
 4 to do with reconfiguring and reorganizing the plan
 5 of the apartment, because we were stuck with the
 6 prior approval that the board and the DOB granted
 7 for a scope of work.
 8 The design work that we did was
 9 focused on the living room, the foyer, the dining
 10 room, the master bedroom, the master bathroom, and
 11 developing the articulation of those elevations,
 12 the materials specifications, the hardware, the
 13 details of those things.
 14 The -- what apparently happened is,
 15 after we were terminated, the material that we had
 16 was given to your client -- and maybe he didn't
 17 even know. I mean, I didn't talk to the guy. I
 18 don't -- I wouldn't say anything bad about him.
 19 I've never met him.
 20 But it appears that he took Mr. --
 21 Mr. Voronchenko gave him the stuff and said put it
 22 in the drawing, and then -- which is what we had
 23 always imagined would happen, you know, if we
 24 hadn't been fired, this would have been fine.
 25 That's what he's supposed to do. He probably

1 Corelli
 2 Q. You allege, I mean, it's alleged in
 3 the complaint, and you just stated it here, that
 4 Garth Hayden's drawings were based upon your work,
 5 correct?
 6 A. I think it's pretty obvious.
 7 Q. To the extent that you feel that that
 8 work is based upon it, do you have any direct
 9 knowledge of the means by which your work, your
 10 plans, your -- I think we have 19 architectural
 11 sheets plus electrical plus demolition -- any
 12 knowledge as to how that design work was
 13 transmitted to my client? If it was.
 14 A. I assume somebody gave them the
 15 drawings. I don't know. I mean, it's obvious
 16 that he had the drawings. He must have.
 17 Q. A few moments ago, I think you said
 18 that you don't even know whether he was even aware
 19 that it was your work that wound up being
 20 incorporated into his drawings.
 21 MR. MANDEL: Objection. I think that
 22 misstates prior testimony.
 23 But you may answer.
 24 A. No, no. That's not at all what I
 25 meant. What it meant s he didn't necessarily know

Corelli

I was fired. He knew that he was the filing architect. I mean, he's not, on the basis of these kind of drawings, he's not renovating a \$20 million apartment. I mean, these are just things you file with the DOB, as we know, to get approval.

At some point, you know, there's going to be a design architect involved, and the design architect or interior designer or whatever is going to have stuff that's going to require a post-approval amendment to his Directive 14. That's -- and they probably said, "Here's the stuff, put it in your drawings," and the next thing you know, he's in the middle of a shit storm.

Q. In the complaint, which is Exhibit 35, it's alleged that in paragraph 17, that, "Upon information and belief, Defendant GHA," that would be Garth Hayden --

A. Okay.

Q. -- "included portions of Plaintiff's architectural work in amended plans that it submitted to the New York City Department of Buildings." See that reference?

Corelli

A. Yeah, to the extent that we were still engaged and we hadn't been terminated, and we'd been paid, and everything was going the way it was supposed to, sure.

Q. So it's not a question of merely that you find significant similarities between sheets A-4 and A-5 and some of your work. It's that the similarities are there and you were terminated from this project.

MR. MANDEL: Objection.

You may answer.

A. Yeah, these -- our work, as we covered it earlier, are our instruments of service. And they are to be used as part of our engagement in this project. If we're terminated, it doesn't mean that the client can then take our drawings and give them to the executive architect and he can just file them and they can not pay us and go on his merry way.

Q. Well, hold on. Now, I asked you earlier about the instruments of service. Do you recall that?

A. Yes. May I read you something from Article 3?

Corelli

A. Yes.

Q. Do you understand those to be these five sheets of plans we're looking at now?

MR. MANDEL: Objection.

You may answer.

A. I would assume so.

Q. Other than your conclusion that Hayden incorporated your work into these plans, can you direct me to any document which has the name Triarch on it which was given to my client?

MR. MANDEL: Objection.

You may answer.

A. I don't know what was given to your client. I had no control over that.

Q. Paragraph 18, it's alleged that "GHA did not have Triarch's permission to use the architectural work in GHA's" --

A. "Amended plans."

Q. -- thank you. Am I correct that originally, it was your understanding that your work would be incorporated into the DOB submission?

MR. MANDEL: Objection.

You may answer.

Corelli

Q. Yes.

A. As a follow-up to your question? "Upon completion of the project or termination of this agreement, the owner's right to use the instruments of service shall cease."

That's my understanding of what governs this.

Q. Now, do you have any evidence that my client was at any point aware that your services as, or as you described it, primarily interior design work, had been terminated?

A. I have no idea. I have no way of knowing. All I know is what he did. And I'm not even saying he did it in a way that was, you know, he may be an innocent architect in this as well. He may have just been caught up in this mess and he's probably ruining the day he met Vladimir.

But you know, I don't know if he's back -- if he was in the room, I wouldn't recognize him. I don't want to say anything bad about Garth Hayden. But our work wound up in his drawings that were filed at, you know, Vladimir's direction so he could build his apartment. And he didn't pay us for four-and-a-half months of

1 Corelli
 2 really, really intense work.
 3 And all I'm trying to do is get paid.
 4 MR. McKEE: Okay. I have no further
 5 questions.
 6 MR. ISRAEL: Let's take a ten-minute
 7 break --
 8 THE WITNESS: If we take a ten-minute
 9 break, we'll only have about an hour.
 10 (Recess taken.)
 11 MR. McKEE: My apologies. I do have
 12 one or two more questions.
 13 EXAMINATION (Cont'd.)
 14 BY MR. McKEE:
 15 Q. I'm going to hand you three sheets
 16 which were marked as Exhibit 52 of today's date.
 17 EXH (Defendant Exhibit 52, shop drawings,
 18 three sheets, marked for identification, as
 19 of this date.)
 20 Q. You brought those with you today?
 21 A. I did.
 22 Q. And what are they?
 23 A. I believe these are the shop drawings
 24 that the Italians prepared in connection with the
 25 fabrication of the library and certain other areas

1 Corelli
 2 of the apartment that we designed for 515 Park
 3 Avenue.
 4 Q. Did you speak to anybody -- what was
 5 the name of the company, the Italians?
 6 A. I have no idea. Michaela knows all
 7 that. She actually even went there.
 8 Q. Did you ever even speak with anybody
 9 from the Italian manufacturer or fabricator?
 10 A. I did not.
 11 Q. Have you received any other documents
 12 from the Italian fabricator?
 13 A. I have not.
 14 Q. Have you or Triarch received any kind
 15 of signed statement or any kind of written or
 16 recorded statement from the Italian fabricator as
 17 to what they based these shop drawings on?
 18 A. I believe that Michaela had a
 19 conversation with them and recorded portions of
 20 it, but I'm not familiar with the particularities
 21 of it.
 22 Q. All right. But it's your
 23 understanding that she made a tape recording of
 24 that?
 25 A. That's my understanding.

1 Corelli
 2 Q. Okay.
 3 RQ MR. McKEE: I would note that that
 4 tape recording has never been produced and I
 5 would make a request that it be produced.
 6 MR. MANDEL: I will look into it.
 7 MR. McKEE: Thank you. Now I have no
 8 further questions. Thank you.
 9 EXAMINATION BY
 10 MR. ISRAEL:
 11 Q. Good afternoon. My name is Sam
 12 Israel, and I represent Vladimir Voronchenko and
 13 Medallion, Inc., and I'm going to be asking you
 14 questions today in the same lawsuit following my
 15 colleague's questions. And there might be some
 16 overlap, and if there is, I apologize for that,
 17 and some questions may be totally new and
 18 different from the experience you've had so far
 19 today.
 20 If you don't understand anything I'm
 21 asking, say so and I'll attempt to rephrase it. I
 22 know that you have a time limitation and you have
 23 to leave here today at 4 o'clock. So we're going
 24 to try to get as much in as we can before then,
 25 and we may not be able to finish, but who knows?

1 Corelli
 2 Maybe we will.
 3 All right, the first question I have
 4 for you is, how much money did Medallion pay under
 5 its agreement with Triarch? How much money did
 6 you receive under the agreement?
 7 A. I believe somewhere between 51 and
 8 \$52,000.
 9 Q. Okay. And what part of the drawings
 10 that you rendered is Triarch entitled to in
 11 exchange for the 40 to \$52,000 that Triarch
 12 received?
 13 MR. MANDEL: Objection, calls for a
 14 legal conclusion.
 15 A. I have no idea.
 16 Q. Well, you testified before that
 17 Medallion would be entitled to the drawings if it
 18 paid its bill. So now what I'm asking you is,
 19 since it paid at least a portion of its bill, what
 20 portion of the drawings is it entitled to?
 21 MR. MANDEL: Objection, argumentative.
 22 Calls for a legal conclusion. Asked and
 23 answered.
 24 Q. You can answer.
 25 A. I have no idea. I mean, it's -- I